

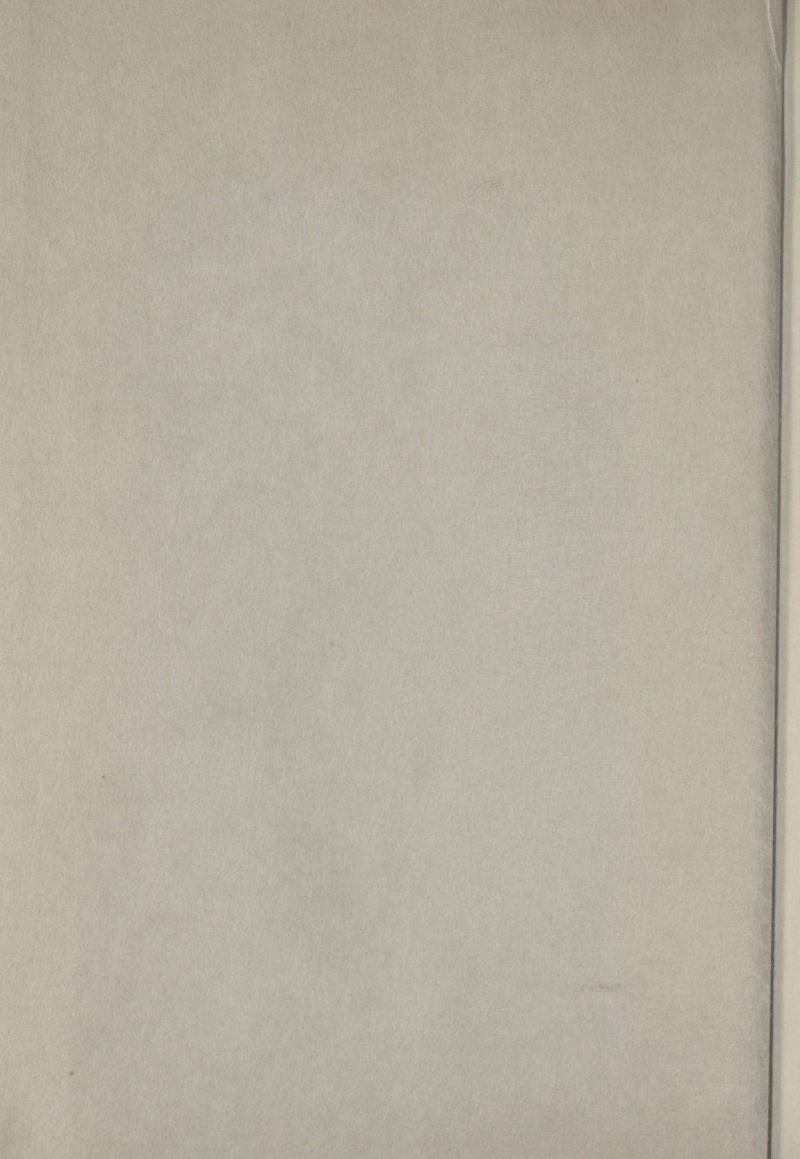
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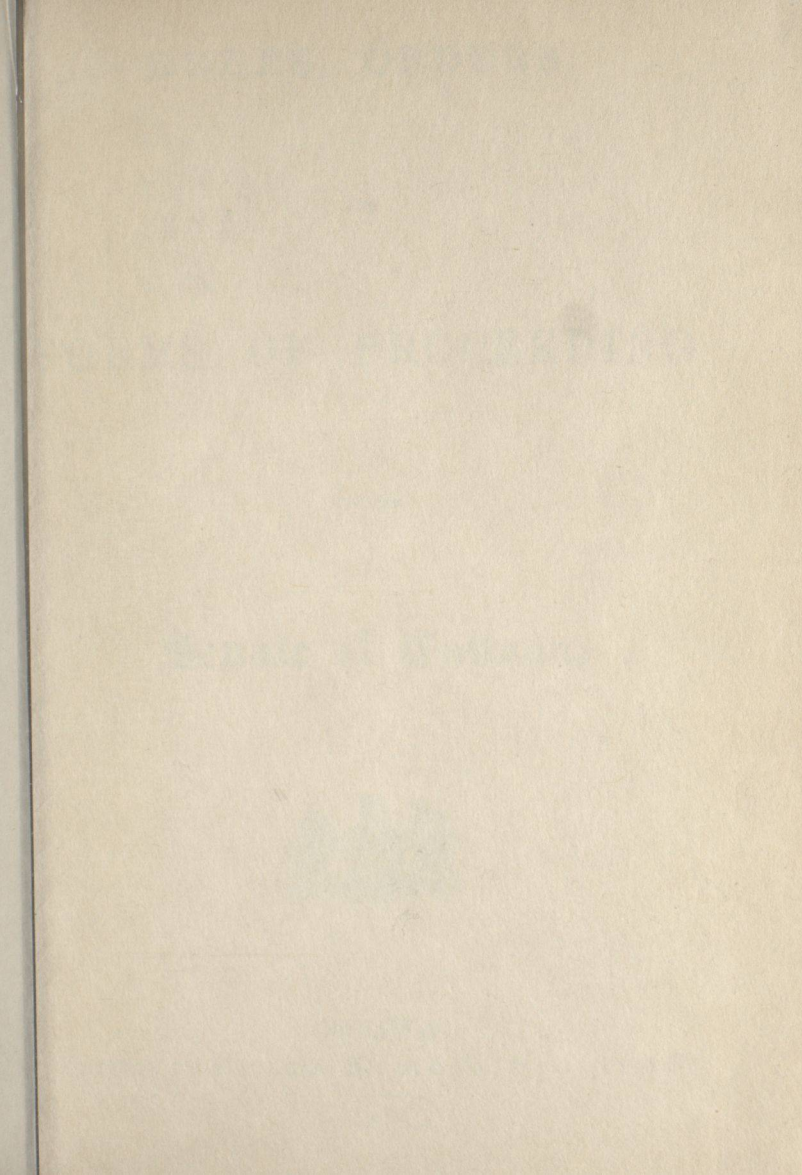


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RULES, ORDERS,

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AND

FORMS OF PROCEEDING

OF THE

Senate of Canada.



OTTAWA:

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1876.

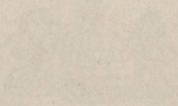
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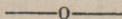


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TABLE OF CONTENTS.

	Page
1. Opening of Parliament and Proceedings at Commencement of Sessions.....	5
2. Sitting of the Senate.....	5
3. Senators.....	6
4. Doors Closed.....	7
5. Order of Business.....	7
6. Notices of Motions and Motions	8
7. Debate	9
8. Order in Debate.....	10
9. Questions of Order.	11
10. Voting	11
11. Protests	12
12. Petitions.....	13
13. Public Bills.....	14
14. Supply Bills.....	15
15. Private Bills	15
16. Bills of Divorce.....	24
17. Printing Papers.....	28
18. Clerk's Accounts.. ..	28
19. Committees of the Whole.....	29
20. Standing and Select Committees	29
21. Messages	31
22. Conferences.....	32
23. Seats for Members of Commons.....	32
24. Minutes	33
25. Journals.....	33
26. Union Act and Royal Instructions.....	34
27. Unprovided Cases.....	34

APPENDICES.



	Page.
Union Act.....	5
Amendments.....	107
Governor's Commission.....	113
Royal Instructions.....	118

J. G. Dymally Creighton

RULES, ORDERS

AND

FORMS OF PROCEEDING

OF THE

Senate of Canada.

I. OPENING OF PARLIAMENT AND PROCEEDINGS AT THE
COMMENCEMENT OF A SESSION.

Opening of Session.

1. On the first day of the meeting of a New Parliament, or of any subsequent Session, His Excellency having opened the Session by a gracious Speech to both Houses, and prayers being said, some Bill is read *pro formá*; the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the Senators present during the Session is appointed.

Admission by Ticket.

2. On the days of the Opening and Prorogation of Parliament, no stranger is admitted without a ticket of admission.

2. SITTING OF THE SENATE.

Daily Sitzings.

3. The time for the ordinary meeting of the Senate is at three o'clock in the afternoon, unless some other time shall have previously been ordered.

Evening Sitzings.

4. If, at six o'clock, the business be not concluded, the Speaker leaves the Chair until half-past seven.

No Quorum.

5. If thirty minutes after the time of meeting, fifteen Senators, including the Speaker, are not present, the Speaker takes the Chair and adjourns the House till the next sitting day; the names of the Senators present being taken down by the Clerk.

Adjournment for want of a Quorum.

6. When it appears, during the sitting of the Senate, on notice being taken, that fifteen Senators, including the Speaker, are not present, the Senators who may be in the adjoining rooms being previously summoned, the Speaker adjourns the House as above, without a question first put.

Adjournment on Friday.

7. When the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following.

3. SENATORS.

Places.

8. When the Senate adjourns, the Senators keep their places until the Speaker has left the Chair.

Demeanor.

9. Senators may not pass between the Chair and the Table. When entering or crossing the Senate Chamber, they bow to the Chair; and if they have occasion to speak together, when the Senate is sitting, they go below the Bar, or else the Speaker stops the business under discussion.

Seats Vacated.

10. If for two consecutive Sessions of the Parliament, any Senator has failed to give his attendance in the Senate, it shall be the duty of the Clerk to report the same to the Senate, and the question of the vacancy arising thereupon, shall with all convenient speed be heard and determined by the Senate.

4. DOORS CLOSED.

11. If at any sitting of the Senate, or in Committee, any member shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered to withdraw," without permitting any debate or amendment; Provided, That the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate.

5. ORDER OF BUSINESS.

12. At each daily sitting of the Senate, the Speaker shall call for, in the following order:

1. Presentation of Petitions; 2. Reading of Petitions; 3. Notices of Motions; 4. Motions; 5. Orders of the Day.

Unfinished Business.

13. The Orders of the Day, which, at the adjournment, have not been proceeded with, are considered as postponed until the next sitting-day, to take precedence of the Orders of that day, unless otherwise ordered.

6. NOTICES OF MOTIONS AND MOTIONS.

Special Motions.

14. One intermediate day's notice, in writing, must be given of all Motions deemed special.

Prefaced Motions.

15. No motion prefaced by a written preamble is received by the Senate.

Withdrawal or Modification of Motions.

16. Any Senator who has made a Motion may withdraw or modify the same by leave of the Senate, such leave being granted without a negative voice.

Motion Creating a Standing Order.

17. No Motion for making any Order of the Senate a Standing Order can be adopted, unless the Senators in attendance on the Session shall have been previously summoned to consider the same.

Suspension of Rules.

18. No motion to suspend, modify or amend any Rule or part thereof, shall be in order, except on one day's notice in writing, specifying precisely the Rule or part of Rule proposed to be suspended, modified or amended, and the purpose thereof. But any rule may be suspended without notice by the consent of the Senate; and the Rule proposed to be suspended shall be precisely and distinctly stated; and no motion for the suspension of the Rules upon any Petition for a Private Bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.

Orders Read before Entered.

19. The Clerk is not to enter any Order until the Speaker first demand the assent of the Senate; and the Clerk is to read every order in the Senate before it is entered.

7. DEBATE.

Senators Addressing the Senate.

20. Every Senator desiring to speak is to rise in his place uncovered, and address himself to the rest of the Senators, and not refer to any other Senator by name.

Limit in Debate.

21. A Senator may speak to any Question before the Senate; or upon a Question, or an Amendment to be

proposed by himself; or upon a Question of Order arising out of the Debate; but not otherwise, without leave of the Senate, which shall be determined without debate.

Senators May not Speak Twice.

22. No Senator may speak twice to a Question before the Senate, except in explanation or reply, where he has made a substantive motion.

Reading Question.

23. Any Senator may require the Question under discussion to be read at any time during the Debate, but not so as to interrupt any Senator while speaking.

Question under Debate.

24. When a Question is under Debate, no motion is received, unless to amend it; to commit it; to postpone it to a certain day; for the previous Question; for reading the Orders of the day, or for the adjournment of the Senate.

Call to Order.

25. Any Senator called to order, shall sit down and shall not proceed without leave of the Senate.

8. ORDER IN DEBATE.

Personal and Taxing Speeches.

26. All personal, sharp or taxing speeches are forbidden, and any Senator conceiving himself offended, or

injured in the Senate, in a Committee Room, or in any of the Rooms belonging to the Senate, is to appeal to the Senate for redress.

Exceptionable Words.

27. If a Senator be called to order, for words spoken in Debate, upon the demand of the Senator so called to order, or of any other Senator, the exceptionable words shall be taken down in writing. And any Senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor, to the satisfaction of the Senate, will be censured or otherwise dealt with as the Senate may think fit.

Interference in Quarrels.

28. The Senate will interfere to prevent the prosecution of any quarrel between Senators, arising out of Debates or Proceedings of the Senate, or any Committee thereof.

9. QUESTIONS OF ORDER.

29. The Speaker stands uncovered when speaking to the Senate, and if called upon to explain a point of Order or Practice, he is to state the Rule applicable to the case, and also, to decide the question, when required, subject to an appeal to the Senate.

10. ORDER OF VOTING.

30. In voting, the "Contents" first rise in their places, then the "Non-contents."

Calling for Names.

31. If two Senators require it, the "Contents" and "Non-contents" are entered upon the Minutes, provided the Senate shall not have taken up other business; and each Senator, shall vote on the question, openly and without debate, unless for special reasons he be excused by the Senate.

Reasons for not Voting.

32. A Senator, declining to vote, shall assign reasons therefor, and the Speaker shall submit to the Senate the question, "*Shall the Senator, for the reasons assigned by him, be excused from voting?*"

Time for Voting, &c.

33. A Senator will not be permitted to vote on any question, unless he is within the Bar when the question is put; and, no Senator may speak to a question after the order has been given to call in the members to vote thereon, unless with the unanimous consent of the House; and with the like consent, a Senator may, for special reasons assigned by him, withdraw or change his vote, immediately after the announcement of the division.

11. PROTESTS.

Protests or Dissent.

34. Any Senator entering his protest or dissent to any votes of the Senate, with or without his reasons,

must enter and sign the same in the Clerk's book, on the next sitting day, before the rising of the Senate.

Controlled by Senate.

35. Every protest is subject to the control of the Senate, and may neither be altered nor withdrawn without the consent of the Senate; nor can a Senator, absent when the question is put be admitted to protest.

12. PETITIONS.

Petitions and Signatures.

36. Every petition is to be fairly written or printed, and signed on the sheet containing the prayer of the petition; and if there be more than three petitioners, the additional signatures may be affixed to the sheets attached to the petition.

Petitions from Corporations.

37. No petition is received from any Corporation aggregate, unless it be duly authenticated by the seal of such Corporation.

From Public Meetings.

38. Petitions signed by persons purporting to represent public meetings, can only be received as the petitions of the persons whose names are affixed thereto.

13. PUBLIC BILLS.

Bringing in Bills..

39. It is the right of every Senator to bring in a Bill.

First Readings.

40. Immediately after a Bill is presented, it is read a first time and ordered to be printed.

Readings of Bills.

41. Every Bill is to undergo three separate readings, each on a different day.

Cases of Urgency.

42. Bills of an urgent nature are sometimes allowed to pass, with unusual expedition, through their several stages.

Debate on Principle.

43. The Principle of a Bill is usually debated at its second reading.

Reconsideration of Clauses.

44. A Senator may, at any time before a Bill has passed, move for the reconsideration of any clause thereof, already passed.

Third Readings.

45. Orders of the Day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority.

Bills Passed.

46. When a Bill originating in the Senate, has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate, during the same Session.

14. SUPPLY BILLS.

Recommendations by the Crown.

47. The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the Queen's Representative.

Tacking Clauses to—Unparliamentary.

48. To annex any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the Bill, is unparliamentary.

15. PRIVATE BILLS.

Time of Receiving Petitions and Bills.

49. No Petition for any Private Bill is received by the Senate after the first ten days of each Session; nor may any Private Bill be presented to the Senate after the first two weeks of each Session; nor may any report of any Standing or Select Committee upon a Private Bill be received after the first six weeks of each Session.

Publication of Rules.

50. The Clerk of the Senate shall, during each Recess of Parliament, publish weekly in the *Canada Gazette*, the following rules respecting Notices of intended applications for Private Bills; and the substance thereof in the *Official Gazette* of each Province only. The Clerk shall also announce, by notice affixed in the Committee Rooms and Lobbies of the Senate, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills and Reports thereon.

Notices for Private Bills.

51. All applications for Private Bills, properly the subjects of legislation by the Parliament of Canada, within the purview of "The British North America Act, 1867," whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvements of a Harbour, Canal, Lock, Dam or Slide, or other like work; the granting of a right of Ferry; the incorporation of any particular Trade or Calling, or of any Banking or other Joint Stock Company; or otherwise for the granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which, in its operation, would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like

nature to any former Act, shall require a Notice, clearly and distinctly specifying the nature and object of the application, signed by, or on behalf of the applicants, to be published as follows, viz. :

In the Provinces of Quebec and Manitoba.

A notice inserted in the *Canada Gazette* in the English and French languages, and in one newspaper in the English, and in one in the French language, or in both languages in one paper, if there be but one in the District affected; or if there be no paper published therein, then in both languages in a paper published in the nearest District in which a newspaper is published.

In any other Province.

A notice inserted in the *Canada Gazette*, and in one newspaper published in the County, or Union of Counties affected, or if there be no paper published therein, then in a newspaper in the nearest county in which a newspaper is published.

Time of Notice.

Such Notices shall be continued in each case, for a period of at least two months, during the interval of time between the close of the next preceding Session and the consideration of the Petition, and copies of the newspapers containing the first and last insertion of such notice, shall be sent to the ~~Clerk of the Senate~~ by the parties inserting such notice.

*Standing Orders Committee Room
168. 1 April 1876.*

Toll Bridge Bills.

52. Before any Petition praying for leave to bring in a Private Bill for the erection of a Toll Bridge, is presented to the Senate; the person or persons intending to petition for such Bill, shall, upon giving the Notice prescribed by the preceding Rule, also at the same time, and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels; and shall also mention whether they intend to erect a draw-bridge or not, and the dimensions of the same.

Consideration of Petitions.

53. Petitions for Private Bills, when received by the Senate, are to be taken into consideration without special reference, by the Committee on Standing Orders. The Committee is to report in each case, whether the Rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the Notice, the Committee is to recommend to the Senate the course to be taken in consequence of such insufficiency of notice.

Deposit of Bill.

54. A copy of the Bill, containing the amendments

proposed to be submitted to the Standing Committee, is deposited in the Clerk's office, one clear day before the meeting of the Committee thereupon.

Reference to Judges.

anytime
55. Before the ~~second~~ *final passing* reading of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for their examination and report, as to any point or matter in connection with such Bill expressed in the Order of Reference. *28 March 1878.*

Private Bills from the House of Commons.

56. All Private Bills from the House of Commons (not being based on a Petition which has already been so reported on by the Committee) shall be first taken into consideration and reported on by the said Committee in like manner, after the First Reading of such Bills, and before their consideration by any other Standing Committee.

Introduction of Private Bills.

57. All Private Bills are introduced on Petition and presented to the Senate, after the Petition has been favorably reported on by the Committee on Standing Orders.

Letters Patent.

58. When any Bill for confirming any Letters

Patent or agreement is presented to the Senate, a true copy of such Letters Patent or Agreement must be attached to it.

Deposit of Bill and Fees.

59. Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, eight days before the meeting of Parliament, if it is intended that the Bill should originate in this House, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the Officers of the House, and the printing by the Contractor, of 600 copies in English, and 200 copies in French. The applicant shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is referred, a sum of \$200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the Clerk of such Committee.

(1.) The fee payable on the second reading of any Private Bill is paid only in the House in which it originates, but the cost of printing the same is paid in each House.

Bills and Petitions Referred.

60. Every Private Bill, ^{after its} ~~when read a~~ second time, is referred to the Standing Committee on Private Bills ~~if appointed~~, or to some other Committee of the same character; and all Petitions before the Senate, for or against the Bill are considered as referred to such Committee.

30 April 1879. -

See Journals of the Senate
vol. 10. p. 168. 6th April 1879.

"Rule 54-Left out and the following inserted:
 "Any person seeking to obtain any Private Bill
 "giving any exclusive privilege or profit, or
 "private or corporate advantage, or for any
 "amendment of any former Act, shall be
 "required to deposit with the Clerk of the Senate
 "eight days before the meeting of the House
 "a copy of such Bill in the English or French
 "language, with a sum sufficient to pay
 "for translating and printing the same -
 "600 copies to be printed in English and 200 copies
 "to be printed in French - the translation to be
 "done by the officers of the House and the
 "printing by the Contractor. The applicant
 "shall also be required to pay the Clerk of the
 "Senate a sum of \$200, and the cost of
 "printing for the Statutes, and lodge the receipts
 "for the same with the Clerk of the Committee
 "to which such Bill is referred - such payments
 "to be made immediately after the second
 "reading, and before the consideration of
 "the Bill by such Committee"

Vide
 R.S.L.
 Cap 2
 S. 15.

Journals of the Senate 1876
 Vol X. p. 168

Bill comes within the classes of subjects assigned exclusively to the Legislatures of the Provinces."

2. Mar. 1880.

By the Clerk appointed for that purpose

The notice required to be given
is apparently notice and
Rule 51.

Sitting of Committee.

61. No Committee on any Private Bill, originating in the Senate, of which notice is required to be given, is to consider the same until after one week's notice of the sitting of such Committee has been first affixed in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after twenty-four hours like notice.

Private Bill Register.

62. A Book, to be called the "Private Bill Register," shall be kept, in which Book shall be entered by a Clerk appointed by the Clerk of the Senate, for the business of that office, the name, description and place of residence of the parties applying for the Bill, or of their agent, and all the proceedings thereon, from the Petition to the passing of the Bill; such entry to specify briefly each proceeding in the Senate, or in any committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book to be open to public inspection, daily during office hours.

Private Bill Committees.

63. The Clerk shall cause lists of all Private Bills and petitions for such Bills upon which any Committee is appointed to sit, specifying the time of the meeting, and the room where the Committee shall sit, to be pre-

pared daily by the Clerk of the Committee to which such Bills are referred, and shall cause the same to be hung up in the Lobby.

Consent of Parties.

64. All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a Company, may require proof, that the persons whose names appear in the Bill, as composing the Company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

Voting in Committees.

65. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman has a second or casting vote.

Provisions not in Notice.

66. It is the duty of the Select Committee to which any Private Bill may be referred by the Senate, to call the attention of the Senate specially to any provision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders.

of
rule
Divorce
Rule A

REPORTS OF COMMITTEES

67. The Committee to which a Private Bill may be referred shall report the same to the Senate, and when any material alteration has been made in the provisions of the Bill such alterations and amendments shall be stated in the Report.

PROVISIONS OF PRIVATE BILLS

68. When the Committee on any Private Bill reports to the Senate that the Provisions of such Bill have been agreed to their satisfaction, they may also report the grounds on which they have arrived at such a conclusion, and any Bill so reported shall be placed in the Office of the Clerk under the special order of the Senate.

PRINTING OF PRIVATE BILLS

69. The Committee shall cause to be printed and distributed a printed copy of the Bill, in which the Amendments and Alterations shall be inserted with the initials of his name, the several Sections and Clauses shall be distinguished with other copy of the Bill, with the Amendments and Alterations, shall be prepared by the Clerk of the Senate, and attached to the Report.

FORM OF PRIVATE BILLS

70. The important Amendment may be proposed...

other Committees!

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Report of a Committee.

67. The Committee to which a Private Bill may have been referred shall report the same to the Senate, in every case, and when any material alteration has been made in the preamble of the Bill, such alteration, and the reasons for the same, are to be stated in the Report.

Preamble not Proved.

68. When the Committee on any Private Bill reports to the Senate that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds on which they have arrived at such a decision; and no Bill so reported on shall be placed on the Orders of the Day, unless by special order of the Senate.

Chairman's Signature.

69. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the Amendments are fairly written, and shall also sign with the initials of his name, the several amendments made and clauses added in Committee, and another copy of the Bill, with the Amendments written thereon, shall be prepared by the Clerk of the Committee, and filed, or attached to the Report.

Notice of Amendments.

70. No important Amendment may be proposed to any Private Bill, in a Committee of the Whole, or at

the Third Reading of the Bill, unless one day's notice of the same shall have been given.

Bills Amended by Commons.

71. When any Private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second Reading, referred to a Committee of the Whole, or to the Standing Committee to which such Bill was originally referred.

16. BILLS OF DIVORCE.

Publication of Notices.

72. Every applicant for a Bill of Divorce is required to give notice of his intended application, and to specify from whom and for what cause, by advertisement during six months, in the *Canada Gazette*, and in two newspapers published in the District, in Quebec and Manitoba, or in the County or union of Counties in the other Provinces, where such applicant usually resided, at the time of the separation, or if the requisite numbers of papers cannot be found therein, then in the adjoining District, or County or union of Counties.

The Notice for the Provinces of Quebec and Manitoba is to be published in the English and French languages.

Service of Notice.

73. A copy of the Notice in writing, is to be

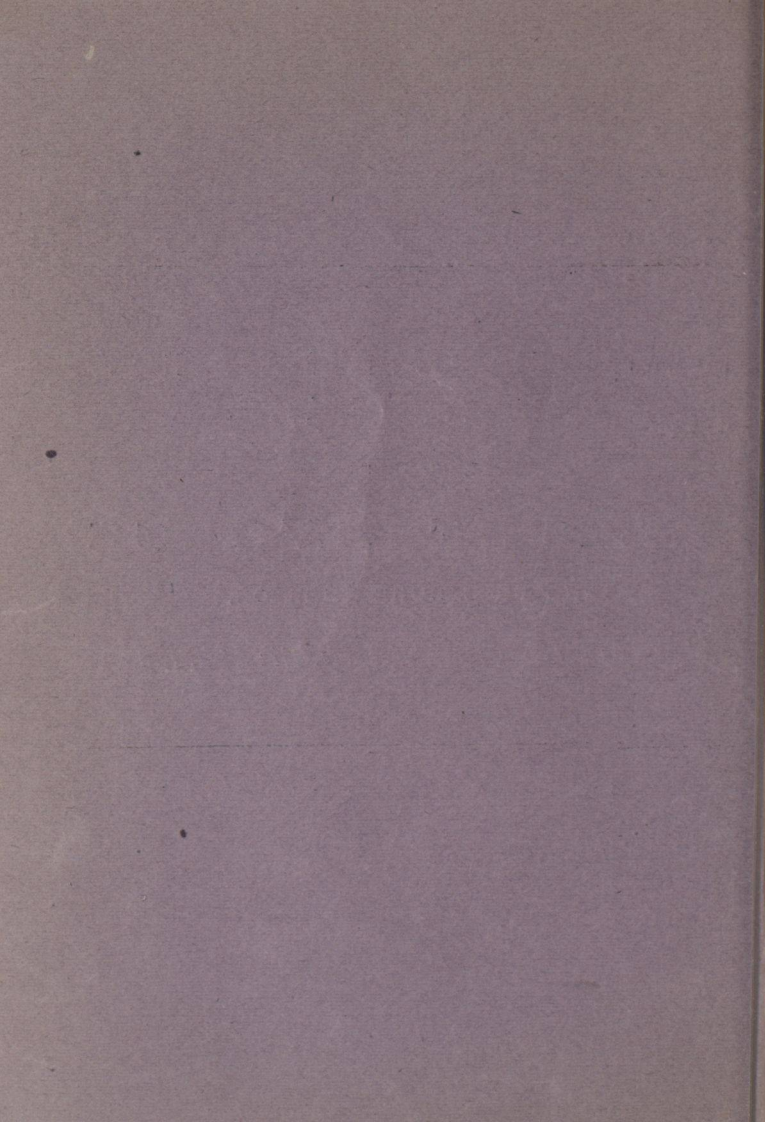
RULES, ORDERS AND FORMS OF PROCEEDINGS
OF THE SENATE OF CANADA,

TOUCHING

BILLS OF DIVORCE

AND PROCEDURE THEREON,

Adopted by the Senate on Wednesday, 11th April, 1888.





Rules, Orders and Forms of Proceedings
of the Senate of Canada touching Bills
of Divorce and Procedure thereon
adopted by the Senate, on Wednesday,
11th April, 1888.

A

At every Session of Parliament a Committee of nine Senators shall be appointed by the Senate to be called "The Select Committee on Divorce," to whom shall be referred all Petitions and Bills for Divorce, and all matters arising out of such Petitions and Bills, and no reference to any Committee other than the said Committee shall be necessary with respect to such Petitions, Bills and matters.

The Committee, unless it be otherwise ordered by the Senate, shall meet on the next sitting day after their appointment and choose their chairman, and five of the Senators on such Committee shall constitute a quorum.

All questions before the Committee shall be decided by the majority of voices, including the voice of the Chairman, who shall have no casting vote.

B

Notice of the day, hour and place of every sitting of the said Committee shall be given by affixing the same in the lobby of the Senate not later than the afternoon of the day before the time appointed for such sitting.

One of the Official Reporters of the Senate, when notified by the Chairman, shall be in attendance at the sittings of the said Committee, and shall take down in shorthand and afterwards extend the evidence of witnesses examined before the Committee, and cause the same to be printed.

C

Evidence taken before the said Committee shall be printed apart from the Minutes of Proceedings of the Senate, and only in sufficient numbers for the use of Senators and Members of the House of Commons, that is to say, one copy for distribution to each Senator and Member, and twenty-five copies to be kept by the Clerk of the Senate for purposes of record and reference.

D

Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published during six months before the presentation of his or her petition for the said Bill, in the *Canada Gazette* and in two newspapers published in the District in Quebec, Manitoba, British Columbia or the North-West Territories, or in the County or Union of Counties in other Provinces, wherein such applicant usually resided at the time of the separation of the parties; but if the requisite number of papers cannot be found therein, then in an adjoining District or County or Union of Counties. Notices given in the Provinces of Quebec and Manitoba are to be published in one English and one French newspaper, if there be such newspapers published in the District, but otherwise shall be published in each newspaper in both languages. The notice may be in the subjoined form. If a notice given for any Session of Parliament is not completed in time to allow the

petition to be dealt with during that Session, the petition may be presented and dealt with during the next ensuing Session, without any further publication of such notice.

E

A copy of the said Notice shall, not less than one month before the date of the presentation of the Petition, at the instance of the applicant, be served personally on the person from whom the divorce is sought, when that can be done. If the residence of such person is not known or personal service cannot be effected; then, if, on report of the Committee as hereinafter provided for, it be shown to the satisfaction of the Senate that all reasonable efforts have been made to effect personal service and, if unsuccessful, to bring such notice to the knowledge of the person from whom the divorce is sought, what has been done may be deemed and taken as sufficient service.

F

No petition for divorce shall be received after the first thirty days of each session.

G

The petition of an applicant for divorce must be fairly written and must be signed by the Petitioner, and should briefly set forth the marriage, when, where and by whom the ceremony was performed, the grounds on which relief is asked and the nature of the relief prayed, and should also negative condonation, collusion and connivance. The allegations of the petition must be verified by declaration of the Petitioner, under the "*Act respecting Extra Judicial Oaths.*"

H

The applicant shall deposit with the Clerk of the Senate, eight days before the opening of Parliament, a copy, in

the English or French language, of the proposed Bill of Divorce, and therewith a sum sufficient to pay for translating and printing 600 copies thereof in English and 200 copies in French. The translation shall be made by the translators of the Senate, and the printing shall be done by the Contractor.

No petition for a Bill of Divorce shall be presented unless the applicant has paid into the hands of the Clerk of the Senate the sum of Two Hundred dollars (\$200), towards expenses which may be incurred during the progress of the Bill, and the said sum shall be subject to the order of the Senate.

I

The petition when presented shall be accompanied by the evidence of the publication of the notice as required by Rule D, and by declaration in evidence of the service of a copy thereof as provided by Rule E, and by a copy of the proposed Bill. The petition, notice, and evidence of publication and service, the proposed Bill, and all papers connected therewith shall thereupon stand as referred, without special order to that effect, to "The Select Committee on Divorce."

J

It shall be the duty of the Committee to examine the Notice of application to Parliament, the Petition, the proposed Bill, the evidence of publication and of the service of a copy of said notice, and all other papers referred therewith, and if the said notice, petition and proposed Bill are found regular and sufficient, and due proof has been made of the publication and service of the said notice, the Committee shall report the same to the Senate.

If any proof is found by the Committee to be defective

N.B. defective but not absolute. minor

the Petitioner may supplement the same by statutory declaration to be laid before the Committee.

The Committee may, if the circumstances of the case seem to require it, recommend a particular mode for service of a copy of the Bill upon the party from whom the divorce is sought, before the second reading of the Bill.

K

Upon the adoption of the Report of the Committee, the Bill may be introduced and read a first time.

L

The second reading of a Bill of Divorce shall not take place till after fourteen days from the adoption of the report of the Committee, and a notice of the second reading shall be affixed to the door of the Senate during that period.

A copy of such notice and of the Bill shall, at the instance of the Petitioner, be served personally, if practicable, on the party from whom the divorce is sought, or served in such other manner as may have been prescribed on Report of the Committee, and proof of such service shall be adduced before the Committee, who shall report thereon to the Senate.

Upon the adoption of the report of the Committee as to the sufficiency of such service the Bill may be read a second time.

M

When the Bill is read a second time, it shall be referred to The Select Committee on Divorce, who shall proceed with all reasonable despatch to hear and to enquire into the allegations set forth in the preamble of the Bill and take evidence touching the same and the right of the petitioner to the relief prayed.

See Rule 60 as to petitions against bill x Rule 7 1861

The Committee after such hearing and enquiry shall report thereon to the Senate, and such Report shall be accompanied by the testimony of the witnesses examined and by all papers and instruments put in evidence before the Committee. The minority may bring in a Report stating the grounds upon which they dissent from the Report of the Committee.

When any alteration in the preamble or otherwise in the Bill is recommended, such alteration and the reasons for the same shall be stated in the Report.

When the Committee report that the preamble of the Bill has not been proved to their satisfaction, the report shall state the grounds on which they have arrived at such a decision, and no Divorce Bill so reported upon shall be placed on the Orders of the Day, unless by special order of the Senate.

N

The Chairman of the Committee shall sign, with his name at length, a printed copy of the Bill, on which the amendments recommended shall be fairly written, and shall also sign, with the initials of his name, the several amendments made and clauses added in Committee; and another copy of the Bill with the amendments written thereon shall be prepared by the Clerk of the Committee and filed, or attached to the Report.

O

If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove condonation, collusion, connivance, or adultery on the part of the Petitioner.

Condonation, collusion or connivance between the parties is always a sufficient ground for rejecting a Bill of Divorce and shall be enquired into by the Committee. And

should the Committee have reason to suspect collusion or connivance and deem it desirable that fuller enquiry should be made, the same shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention.

P

The applicant for divorce as well as the party from whom the divorce is sought may be heard before the Committee by Counsel learned in the law of the Bar of any Province in Canada.

Q

The applicant for divorce, as well as the party from whom the divorce is sought, and all other witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the Rules of evidence in force in Canada in respect of indictable offences shall, subject to the provisions in these Rules, apply to proceedings before the said Committee, and shall be observed in all questions of fact.

R

Summonses for the attendance of witnesses and for the production of papers and documents before the Senate or the Select Committee on Divorce shall be under the hand and seal of the Speaker of the Senate, and may be issued at any time to the party applying for the same by the Clerk of the Senate. Such summonses shall be served, at the expense of the party applying therefor, by the Gentleman Usher of the Black Rod or by anyone authorized by him to make such service. The reasonable expenses of making such service and the reasonable

expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee.

S

In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment of the expenses incurred.

T

In cases not provided for by these Rules the general principles upon which the Imperial Parliament proceeds in dissolving marriage and the general principles of the rules, usages and forms of the House of Lords in respect of Bills for Divorce may be applied to Divorce Bills before the Senate and before the Select Committee on Divorce.

U

Declarations allowed or required in proof may be made under the Act of the Parliament of Canada entitled "*An Act respecting Extra-judicial Oaths*," before any Judge, Justice of the Peace, Public Notary, or other functionary authorized by law to administer an oath.

V

Rules 72 to 84 both inclusive, are hereby rescinded ; but but all other Rules of the Senate which, by reasonable intendment, are applicable to proceedings in Divorce, shall, except in so far as altered or modified by these Rules, or inconsistent therewith, continue to be applicable to such proceedings.

W

The subjoined forms, varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for Divorce.

FORMS.

" A "

NOTICE OF APPLICATION FOR DIVORCE.

Notice is hereby given that (*name of applicant in full*) of the _____ of _____, in the county (*or district*) of _____, in the Province of _____, (*here state the addition or occupation, if any, of applicant*), will apply to the Parliament of Canada, at the next session thereof, for a Bill of Divorce from his wife (*or her husband*), (*here state names in full, residence or addition or occupation, if any, of the person from whom the divorce is sought*), on the ground of (*adultery, adultery and desertion, or as the case may be*).

Dated at _____, } *Signature of applicant*
Province of _____, } *or of solicitor for*
day of _____ 188 . } *applicant.*

(*When any particular relief is to be applied for, the nature thereof should be briefly indicated in the notice.*)

" B "

DECLARATION AS TO SERVICE OF NOTICE WHEN
MADE PERSONALLY.

PROVINCE OF _____ } I, A. B., of the
COUNTY (or district) OF _____ } of _____ in the county
To WIT: _____ } (or district) of _____,
_____ } in the Province of _____,
_____ } (occupation) do solemnly de-
clare:—

1. That on the _____ day of _____,
A.D. 188 _____, I personally served C. D. (*names of person served*) with a true copy of the notice hereto attached and marked "A," by giving the said copy to and leaving it with the said C. D. at (*state place of service*).

2. That I know the said C. D. and that I believe him to be the person described in the said notice as the husband of E. F. therein named.

(*Add any statements made by C. D. to the person effecting the service showing identity.*)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Act respecting *Extra-Judicial Oaths.*"

Declared before me, at the _____ of _____,
in the county of _____, in the _____
Province of _____, this _____ day of _____ }
A.D. 188 _____ } *Signature of declarant.*

NOTE.—*Exhibits attached to the declaration should be verified under the hand of the public functionary before whom the declaration is made.*

GENERAL FORM OF PETITION.

To the Honorable the Senate of Canada in Parliament assembled :

The petition of A.B., of the _____ of _____, in the County of _____, in the Province of _____, the lawful wife of C. D., of, &c. (*state names in full, residence and occupation*).

HUMBLY SHEWETH :

1. That on or about the _____ day of _____, A.D. 18 _____, your petitioner, then A. X. (*spinster, or as the case may be,*) was lawfully married to the said C. D. at _____

2. That the said marriage was by license duly obtained (*or as the case may be*) and was celebrated by _____

3. That at the time of the said marriage your petitioner and the said C. D. were domiciled in Canada, and have ever since continued to be and are now domiciled in Canada.

(*All facts as to the residence and domicile of the parties at and since their marriage should be stated with particularity*).

4. That after her said marriage your petitioner lived and cohabited with her said husband at _____, and that there are now living issue of the said marriage _____ children, viz.: Mary D., born the _____ day of _____, 18 _____, and Elizabeth D., born the _____ day of _____, A.D. 18 _____.

5. That on or about the _____ day of _____, A.D. 18 _____, at the _____ in the _____, the said C. D. committed adultery with one G. H. _____ of _____, spinster, and since then on divers occasions has committed adultery with the said G. H.

6. That your petitioner ever since she discovered her said husband had committed the said adultery has lived separate and apart from him and the said C. D. has not since cohabited with your petitioner.

7. That your petitioner has not in any way condoned the adultery committed by the said C. D., and that no collusion or connivance exists between myself and the said C. D. to obtain a dissolution of our said marriage.

Your petitioner therefore humbly prays :

That your Honorable House will be pleased to pass an Act dissolving the said marriage between your petitioner and the said C. D. and enabling your petitioner to marry again, and giving to your petitioner the custody of the said Mary D. and Elizabeth D., and granting your petitioner such further and other relief in the premises as to your Honorable House may seem meet.

And as in duty bound your petitioner will ever pray.

Signature of Petitioner.

“ D ”

DECLARATION VERIFYING PETITION.

PROVINCE OF _____ } I, A. B., of the
 COUNTY (or District) OF _____ } of _____, in the County
 To WIT: _____ } of _____, in the Province
 _____ } of _____, (occupation, if
 any. In the case of the wife be-
 ing the applicant, say “wife of C. D.” and give names,
 residence and occupation or addition of the husband), the
 petitioner in the foregoing petition named, do solemnly
 declare:—

1. That, to the best of my knowledge and belief, the allegations contained in the paragraphs of the foregoing petition, numbered respectively _____, are, and each of them is, true.

2. (If any matter is alleged, of which the petitioner has not personal knowledge, add "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered respectively _____, I am credibly informed and believe them, and each of them, to be true.")

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Act respecting *Extra-Judicial Oaths*."

Declared before me, at the	of	} Signature of Declarant.
, in the County of	,	
in the Province of		
day of	, A.D. 188 .	

True copy of the foregoing Rules as adopted by the Senate of Canada, Wednesday the Eleventh of April, A.D. 1888.

EDOUARD J. LANGEVIN,

Clerk of the Senate.



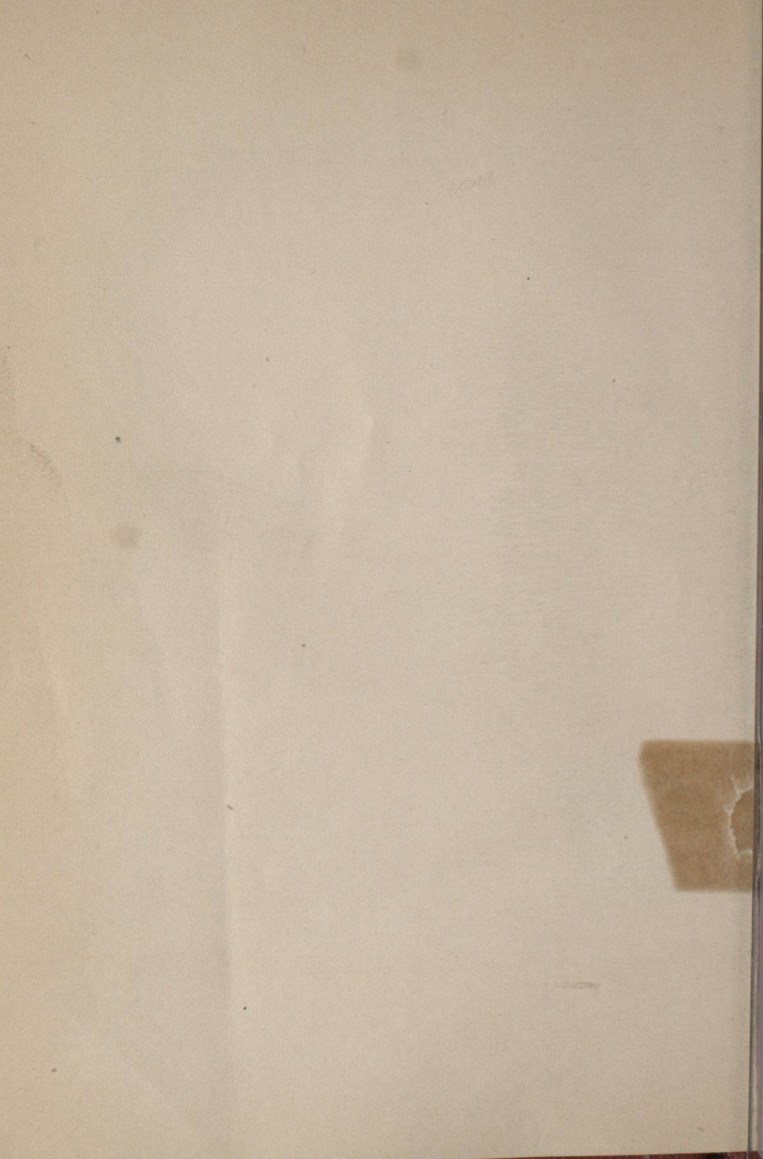
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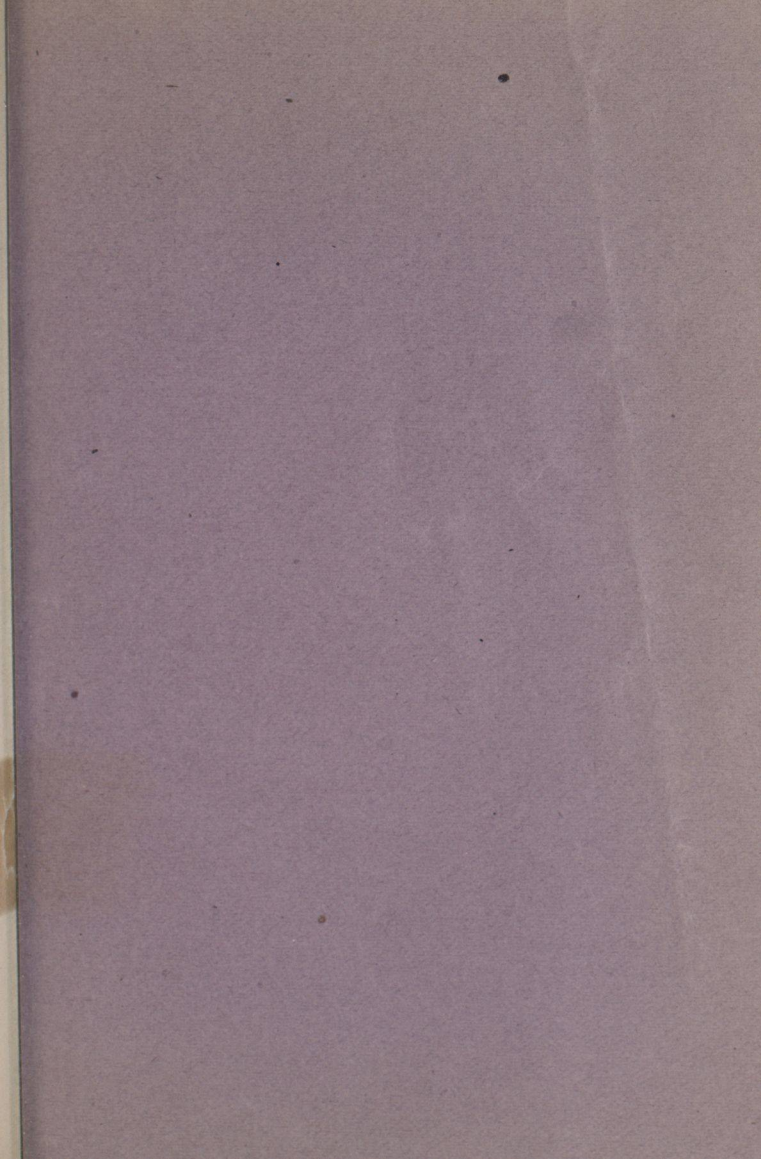
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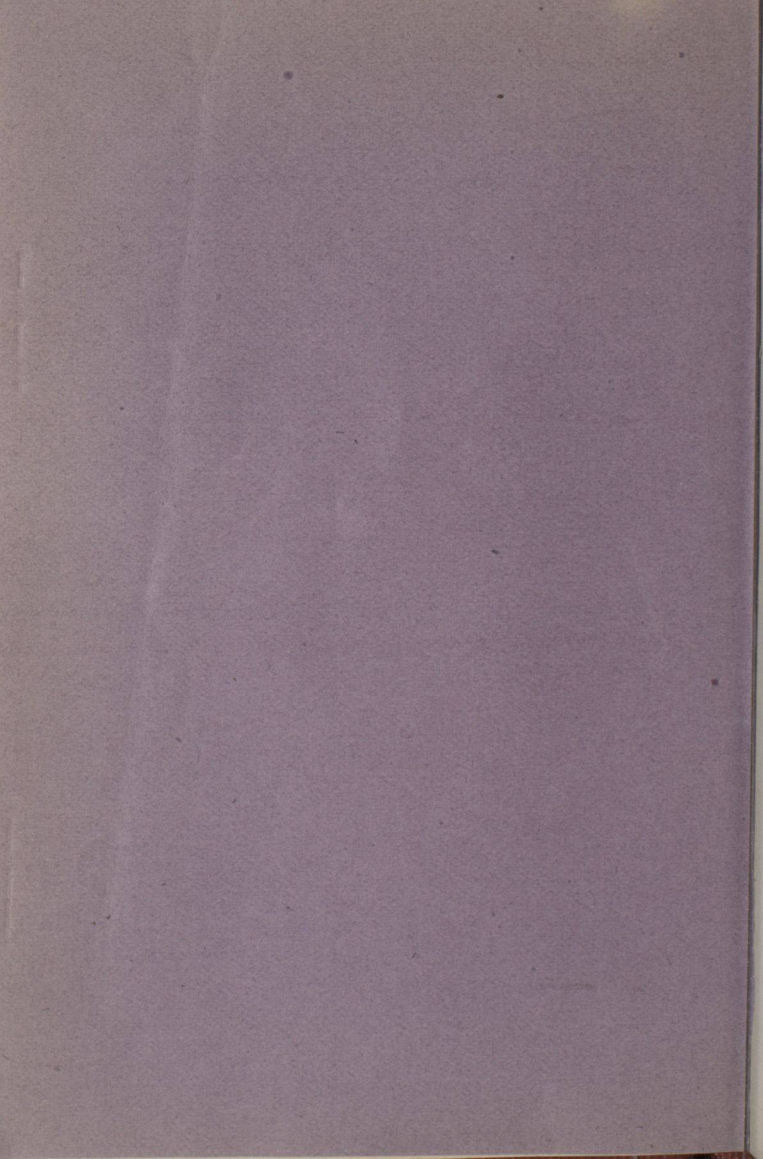
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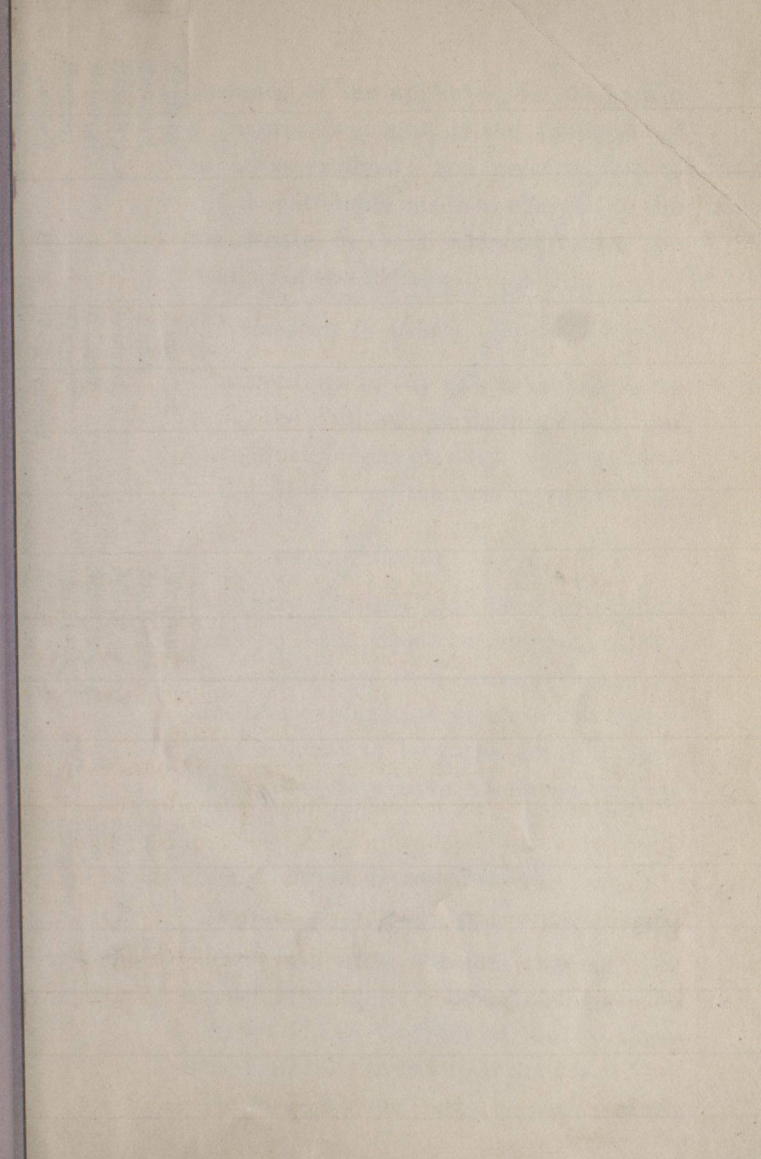












The Honorable Sir Alexander Campbell moved, seconded by the Honorable Mr. Smith,

That the 73rd Rule of this House be amended by striking out the word *oath*, in the fourth line thereof, and substituting the word *declaration*, under the Act passed in the thirty-seventh year of Her Majesty's Reign, intituled: "An Act for the suppression of Voluntary and Extra Judicial Oaths."

The question of concurrence being put thereon, it was resolved in the affirmative,

and

11 March 1882 b 166

list 57

served, at the instance of the applicant, on the person from whom the Divorce is sought, if the residence of such person can be ascertained; and proof on oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the Petition.

declarate
Journal
of the Sen
Vol xvii p 11
19 March 18

Proceedings in Courts. 37 Vict. Cap 87
 46 Vict. Cap 1.52

74. When proceedings in any Courts of Law have taken place prior to the Petition, an Exemplification of such proceedings to final judgment, duly certified, is to be presented to the Senate, on the reading of the Petition.

Damages Levied.

75. In cases where damages have been awarded to the applicant, proof on oath must be adduced, to the satisfaction of the Senate, that such damages have been levied and retained, or explanation given to the Senate for the neglect or inability to levy the same, under a writ of execution, as they may deem a sufficient excuse for such omission.

Formalities before Second Reading.

76. The second reading of the Bill is not to take place until fourteen days after the first reading, and notice of such second reading is to be affixed upon the doors of the Senate during that period, and a copy thereof and of the Bill duly served upon the party from whom the divorce is sought, and proof on oath of such

There is no
delay fixed
for service

service, adduced at the Bar of the Senate, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this regulation.

Petitioner to appear.

77. The petitioner is to appear below the Bar of the Senate, at the second reading, to be examined by the Senate, generally, or as to any collusion or connivance between the parties to obtain such separation, unless the Senate think fit to dispense therewith.

Evidence of Marriage.

78. After the second reading, the Bill is referred to a Select Committee of nine members; witnesses are heard on oath, the evidence is taken down in writing and reported to the Senate, with all vouchers adduced before the Committee; the preliminary evidence being that of the due celebration of the marriage between the parties, by legitimate testimony, either by witnesses present at the marriage or by complete and satisfactory proof of the certificate of the officiating minister or authority.

Hearing of Counsel.

79. The Counsel for the applicant, as well as the party from whom the divorce is sought, may be heard at the Bar of the Senate, as well on the evidence adduced as on the provisions for the future support of the wife, if deemed necessary.

23 February 1877.

Resolved that hereafter all evidence in Divorce cases taken before a Committee of this House which in the opinion of the Committee ought not to appear in the Journals shall be entered in a separate book and be deposited with the Clerk of the Senate for reference.

Unlike other private bills, divorce bills instead of being committed to an open committee to a selected committee (in the Lords) are committed, like public bills, to a committee of the whole House.

May, resolution of 1855. p. 614. - In the Commons -

At the commencement of each Session a committee is nominated consisting of five Members, of whom three are a committee and two are denominated "the committee on Divorce Bills." - In this committee divorce bills are committed to.

1855 p. 614

The Honorable Sir Alexander Campbell moved, seconded by the Honorable Sir David Lewis Macpherson,

That in future, the evidence taken before a Committee on a Bill of Divorce shall be printed apart from the Minutes of Proceedings of the House, and only in sufficient numbers for the use of Members of each House, that is to say; a copy for each Member.

The question of concurrence being put thereon, the same was resolved in the affirmative, and Ordered accordingly.

Monday 16th March 1885

The question of printing the evidence taken in Divorce cases before Committees of the Senate on this day referred to a select Committee of the Senate with a view to their reporting a rule for adoption by the House. -

10 May 1879. -

Parliament prorogued - no report. -

Summoning of Witnesses.

80. The witnesses are notified to attend by a summons, to issue under the hand and seal of the Speaker, to the parties applying for the same, on application to the Clerk of the Senate, and served at the expense of the said parties, by the Usher of the Black Rod or his authorized deputy; and every witness is allowed his reasonable expenses, which, with those incurred by the Usher of the Black Rod or his deputy, are to be taxed by the Senate or any officer thereof appointed for that purpose.

Witnesses Refusing to Attend.

81. Witnesses refusing to obey the summons are, by order of the Senate, taken into the custody of the Usher of the Black Rod, and not liberated therefrom, except by order of the Senate and after payment of the expenses incurred.

Cost of Printing Bill.

82. Every Bill of Divorce is to be prepared in the English and French languages by the party applying for the same, and printed by the contractor for the Sessional Printing of the Senate, at the expense of the party; and 600 copies thereof, in English, and 200 copies in French, must be deposited in the office of the Clerk of the Senate, and no such Bill is to be read a third time until a certificate from the Queen's Printer shall have

been filed with the Clerk, that the cost of printing 500 copies of the Act in English, and 250 copies in French for the Government, has been paid to him.

Deposit of Costs.

83. Every applicant for a Bill of Divorce, at the time of presenting the Petition, is to pay into the hands of the Clerk of the Senate a sum of two hundred dollars, to cover the expenses which may be incurred by the Senate, during the progress of the Bill.

Unprovided Cases.

84. In all unprovided cases, reference should be had to the Rules and Decisions of the House of Lords.

17. PRINTING PAPERS.

85. All papers laid on the table stand referred to the Joint Committee on Printing, who decide and report whether they are to be printed.

18. CLERK'S ACCOUNTS.

86. At the commencement of every Session, the Clerk is to lay before the Senate, on the day following the appointment of the Committee on Contingent Accounts, and as often thereafter as he may be required to do so, a detailed statement of his receipts and disbursements, since the last audit, with vouchers in support thereof.

19. COMMITTEES OF THE WHOLE

Place of Senators

87. When the Senate is put into Committee, every Senator is to sit in his place.

Rules in Committee

88. The Rules of the Senate are observed in a Committee of the Whole, except the Rules in regard to the time of speaking; and no motion for the previous question, or for an adjournment, can be received, but a motion may at any time move that the Chairman leave the Chair, or report progress, or do leave as in Article

Relation to Private Members

89. No arguments are admitted against the Principle of a Bill in a Committee of the Whole.

How Resolved

Specify *Times papers or Receipts* -

the unanimous consent of the Committee, or by a question put by the Chairman, who may by the Chair of such Committee.

Reading of Proceedings

91. The Proceedings of the Committee are entered in the Journal of the Senate.

20. STANDING AND SELECT COMMITTEES

Standing Committees

92. Select Committees may be appointed by

Every bill with the clerk, that the cost of printing 500 copies of the Act in English, and 100 copies in French for the Government, has been paid in full.

Deposit of Costs.

43. Every applicant for a Bill of Divorce, at the time of presenting the petition, or to pay into the hands of the clerk of the Senate a sum of two hundred dollars, to cover the expenses which may be incurred by the Government in the progress of the Bill.

Expenses of Cases.

44. In all expedited cases, reference should be made to the Rules and Regulations of the House of Lords.

IX. PRINTING PAPERS.

45. All papers laid on the table shall be referred to the clerk of the Senate, who shall be responsible for the printing of the same, and for the distribution of the same to the members of the Senate.

X. CLERK'S ACCOUNTS.

46. At the commencement of every Session, the Clerk shall lay before the Senate, on the day following the adjournment of the Committee on Contingent Accounts, and at other times as he may be required to do so, a detailed statement of his receipts and disbursements, since the last audit, with vouchers in support thereof.

19. COMMITTEES OF THE WHOLE.

Places of Senators.

87. When the Senate is put into Committee, every Senator is to sit in his place.

Rules in Committee.

88. The Rules of the Senate are observed in a Committee of the Whole, except the Rules limiting the time of speaking; and no motion for the previous question, or for an adjournment, can be received, but a Senator may at any time move that the Chairman leave the Chair, or report progress, or ask leave to sit again.

Debate on Principle Forbidden.

89. No arguments are admitted against the Principle of a Bill in a Committee of the Whole.

House Resumed.

90. When the Senate is put into a Committee of the Whole, the sitting is not resumed without the unanimous consent of the Committee, unless upon a question put by the Senator who shall be in the Chair of such Committee.

Record of Proceedings.

91. The Proceedings of the Committee are entered in the Journals of the Senate.

20. STANDING AND SELECT COMMITTEES.

Meeting of Committees.

92. Select Committees meet on the next sitting day

after their appointment and choose their Chairman, and the majority of Senators appointed on such Committee constitute a quorum, unless it be otherwise ordered.

Speaking.

93. The Senators speak uncovered, but may remain seated.

Senators Admitted.

94. Senators, though not of the Committee, are not excluded from coming in and speaking, but they must not vote; they sit behind those that are of the Committee.

Admittance of Strangers.

95. No other persons, unless commanded to attend, are to enter at any meeting of a Committee of the Senate or at any Conference.

Mover of Bill, of Committee.

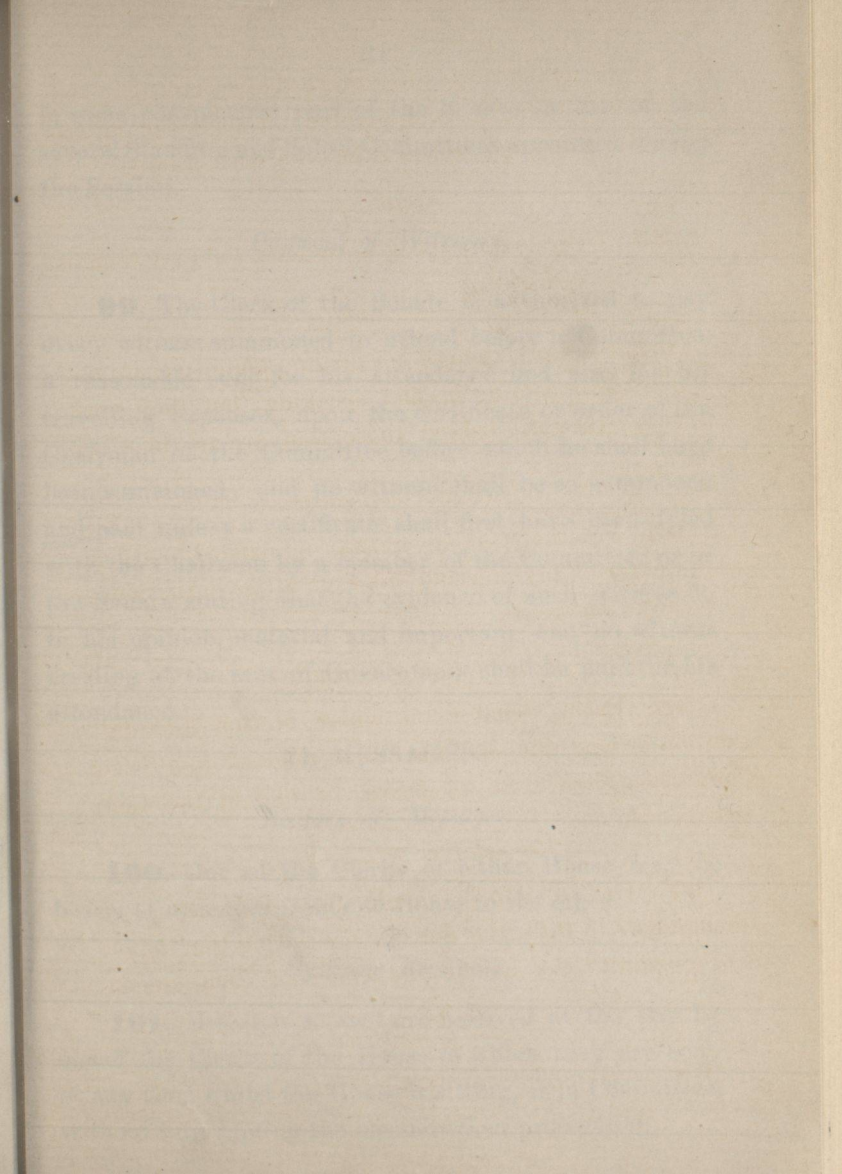
96. Every Senator on whose Motion any Bill, Petition or Question shall have been referred to a Select Committee, shall, if he so desire, be one of the Committee.

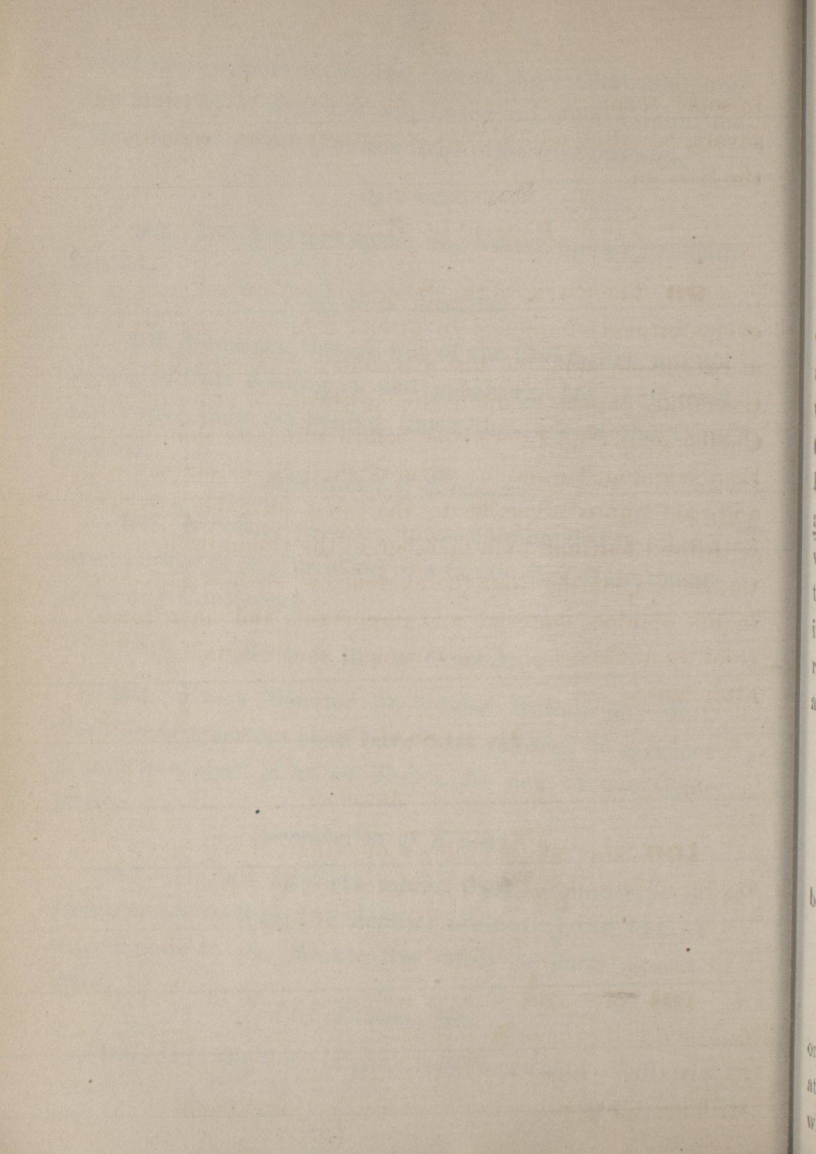
Presentation of Reports.

97. On all Reports made from Committees of amendments to Bills, the Senator presenting the Report is to explain to the Senate the effect of each amendment.

List of Committees.

98. It is the duty of the Clerk to cause to be affixed





in some conspicuous part of the Senate, a list of the several Standing and Select Committees appointed during the Session.

Payment of Witnesses.

99. The Clerk of the Senate is authorized to pay every witness summoned to attend before a Committee, a reasonable sum for his attendance and also for his travelling expenses, upon the certificate or order of the Chairman of the Committee before which he shall have been summoned; and no witness shall be so summoned and paid unless a certificate shall first have been fyled with the Chairman by a member of the Committee or of the Senate stating that the evidence of such witness is, in his opinion, material and important; and no witness residing at the seat of Government shall be paid for his attendance.

21. MESSAGES.

Bearers of Messages.

100. One of the Clerks of either House may be bearer of messages from one House to the other.

By whom Received.

101. Messages so sent are received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding.

Messages for Senators, &c.

102. When the attendance of a Senator, or of any of the officers, clerks or servants of the Senate is desired, to be examined by the Commons, or to appear before any Committee thereof, a Message is sent by the Commons, to request that the Senate will give leave to such Senator, officer, clerk or servant to attend; and if the Senate doth grant leave to such Senator, he may go, if he think fit; but it is not optional for such officer, clerk or servant to refuse. And without such leave, no Senator, officer, clerk or servant of the Senate shall, on any account, either go down to the House of Commons, or send his answer in writing, or appear by Counsel to answer any accusation there, upon penalty of being committed to the Black Rod or to prison, during the pleasure of the Senate.

22. CONFERENCES.

Who may speak at.

103. None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything from such Conference is reported, the Senators of the Committee are to stand up.

23. SEATS FOR MEMBERS OF COMMONS.

104. Seats are reserved without the Bar of the Senate Chamber, for the members of the House of Commons who may be desirous of hearing the debates.

24. MINUTES OF PROCEEDINGS.

105. A copy of the Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to the Governor General.

25. JOURNALS.

Bound Annually.

106. The journals are to be bound in annual volumes, as soon as may be after each Session, with a full index.

To whom sent.

107. The Clerk is to transmit annually, through the Librarian, copies of the Journals to the Colonial Office, to the House of Lords and Commons, and to the Legislatures of the various British Colonies.

Exchanges.

108. The Clerk is to make arrangements for exchanging the Laws of Canada, for those of the Imperial Parliament and of the Colonial Legislatures.

Reports for Exchanges.

109. The Clerk is to furnish the Librarian with sufficient copies of the Journals and of all Reports from heads of Public Departments, or concerning any Public Institution, for general exchange.

Searching of Journals.

110. The Journals of the Senate, according to Parliamentary usage, may be searched by the House of Commons, as the Journals of that House, may be searched by the Senate.

26. UNION ACT AND ROYAL INSTRUCTIONS.

111. The Union Act and amendments, as well as the Commission of, and the Royal Instructions to the Governor General respecting the passing of Bills by Parliament, are to be printed with the Rules and Standing Orders.

27. UNPROVIDED CASES.

112. In all unprovided cases, the rules, usages and forms of Proceeding of the House of Lords are to be followed

17-19-1867
The Honorable Sir Alexander Campbell moved, seconded by the Honorable Mr.

Aikins,

That within the first twenty days of the next Session of the present Parliament, and within the first twenty days of the first Session of each succeeding Parliament, every Member of the Senate shall make and file with the Clerk, a renewed declaration of his "property qualification," in the form prescribed in the 5th Schedule annexed to the *British North America Act, 1867*, and the Clerk shall, immediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the House a list of the Members who have complied with this Rule.

The question of concurrence being put thereon, the same was, on a division, resolved in the affirmative.

INDIAN UNIVERSITY

Monday, 22nd April, 1858.

Received

INDEX

TO

RULES AND ORDERS.

N.B.—The figures refer to the number of the Rules.

A

Absence—Of Members, 10.

Accounts and Expenses of the Senate—Submitted by the Clerk, 86.

Accusations—No Senator or Officer, &c., may answer any accusation before the Commons without leave, 102.

Adjournment of the Senate—for want of a quorum—Names taken down, 5. Senators in adjoining rooms summoned, 6. Orders of the day not disposed of at the adjournment, placed first on the orders of the next sitting day, 13.

——At six o'clock until half-past seven, 4.

——On Friday, till the Monday following, 7.

——Senators keep their places until the Speaker has left the Chair, 8.

Advertisements—See Notices.

Agreement—See Letters Patent.

Aid or Supply Bills—may not contain irrelevant clauses, 48.

Allusion—to other Senators by name forbidden, 20.

Amendments—Senators speaking to, 21. Motions in amendment, 24.

——To Private Bills—See Private Bills.

Apologies—for having used objectionable words, 27—See Debates.

Appeal to the Senate—from the decision of the Speaker, 29.

——By Senators offended or injured, 26.

B

Bar of the Senate—Senators, to converse together, go below the Bar, 9. Messages are received at the Bar, 101. Seats are reserved for Members of Commons below the Bar, 104. Proceedings at the Bar in Divorce cases, 76, 77, 79.

Bill—Read *pro formâ*, 1.

Bills, Private—For all matters relating thereto.—See Notices and Private Bills.

Bills, Public—Every Senator may bring in a Bill, 39, and it is read a first time and printed, 40. Its principle is usually debated at the second reading, 43. No argument is admitted against the principle in Committee of the Whole, 89. Every Bill undergoes three readings on different days, 41. A Bill of an urgent nature is passed with unusual expedition, 42. *Clauses*—may be reconsidered at any time previous to the passing of a Bill, 44. *Supply Bills*—admit of no irrelevant clauses, 48. *Money Bills*—must be recommended by the Queen's Representative, 47. *Bills originating* and passed in the Senate cannot be again introduced in the same Session, 46. *Third Readings*—of Bills take precedence on the Orders of the Day, 45.

Black Rod—Senators and officers committed to, in certain cases, 102.

C

Canada Gazette—See Notices.

Casting Vote—of Chairman in Select Committees, 65.

Censured, Senators—for refusing to apologise, 27.

Chair—Speaker leaves the Chair at six o'clock, 4.

———Senators may not pass between Chair and Table, 9.

———Senators bow to the Chair, 9.

Chairman of a Committee of the Whole, can only leave the Chair on motion put and carried, unless by unanimous consent, 88.

Chairman of a Select Committee is chosen by the Committee, 92. Has a second or casting vote, 65. Signs Bills and amendments reported 69. Explains effect of amendments, 97.

Clauses—may be reconsidered at any time before a Bill is entirely passed, 44. Foreign to Money Bills, unparliamentary, 48.

Clerk of the Senate—submits his accounts, 86. Reads every order before entering the same, 19. Reports absence of Members during two Sessions, 10.

Closed Doors—Motion therefor always in order, 11.

Commitment of Bills—See Private Bills.

Committee of Privileges—consists of all the Senators present during the Session, 1.

Committees of the Whole—Every Senator sits in his place, 87. The rules of the Senate are observed, but no motion for the previous question, or for an adjournment is received; the Motion is, That the Chairman leave the Chair, &c., &c., 88. No argument is received against the principle of a Bill, 89. The Senate can only be resumed by unanimous consent, unless a question is put by the Chairman, 90. Important amendments made by the Commons to Private Bills may be referred to a Committee of the Whole, 71.

Committees, Select and Standing—meet in the Committee Rooms on the next day after their appointment, choose their Chairman, and the majority constitute a quorum, 92. Senators may speak sitting, but always uncovered, 93. Other Senators may speak, but not vote, 94. Other persons have no right to attend, 95. The *Mover* may be one of the Committee, 96. The *Chairman* explains the amendments reported, 97. *Lists* of the Committees are posted up in the Lobbies, 98.

Commons—See Members of the House of Commons.

Communications between the two Houses—See Messages.

Conferences—None are to speak at a, except the Managers, and they stand up when the Report is made, 103.

Consent to Private Bills—by parties interested, 64.

Contents and Non-Contents—in voting 30. Their names are taken down at the request of two Senators, 31. See Voting.

Copartners—proof may be required that they are of age, and able and consenting to be incorporated, 64.

C

Corporations aggregate—Their petitions must be under their Seals, 37.

Costs of Private Bills—See Private Bills.

Counsel heard at the Bar—in cases of Divorce Bills, 79.

Crossing the Senate—Senators bow to the Chair when, 9.

D

Debates :

Rules of, from 20 to 28.

A Senator addresses the Senate and does not refer to any one by name, 20. A Senator can only speak on a question before the Senate, to an amendment, or to a point of order, 21. And can only speak once, except in explanation, reply, 22. Or in Committee of the Whole, 88. And not after the question has been put, 33. He may require the question to be read, 23. Motions that are received when a question is under debate, 24.

Sharp and personal speeches are forbidden, and Senators offended appeal to the Senate, 26. Offending Senators apologise or incur censure, 27. Quarrels prevented by the Senate, 28.

Demeanour of Senators, 9.

Divisions in the Senate—how taken, 30, 31.

Divorce Bills :

Notices by applicant inserted during six months in newspapers, 72. Notices to be served on adverse party, or proof given of the attempts made to effect the service, 73. *Proceedings in Courts of Law*, if any, are laid before the Senate, 74. Also proof that the damages, if any, have been levied, or excuse given, 75. The *Second Reading* takes place fourteen days after the first; notice thereof is posted up and served with the Bill on the Adverse party, or, in default, an excuse is adduced, 76. The Petitioner may be dispensed from appearing at the Bar at the Second Reading, 77. After the Second Reading the Bill is referred to a Committee of nine Members, witnesses are heard on oath, and the evidence reported to the Senate, 78. Counsel on both sides may

Divorce Bills—Continued.

be heard at the Second Reading, 79. Witnesses are summoned at the expense of the parties requiring them, and allowed their reasonable expenses, 80. When refusing to appear, they are taken into custody, 81. The *Drafting and Printing* of the Bill is at the expense of the parties; 600 copies in English and 200 in French are furnished to the Clerk; also a certificate, before the Third Reading, that the Queen's Printer has been paid for 500 copies in English and 250 in French, 82. A fee of Two hundred dollars is paid to the Clerk, on presenting the petition, 83. *Unprovided Cases* are determined according to the Rules and Decisions of the Lords, 84.

E

Entering the Senate—Senators bow to the Chair, 9.

Equality of Votes—See Casting Vote.

Evidence—in cases of Divorce Bills, 78.

Examination of Witnesses—See Witnesses.

Expedition, Unusual—sometimes allowed in passing Bills, 42.

Expenses of Bills or Witnesses—See Divorce Bills and Private Bills.

Explanations—of Senators who have already spoken, 22.

F

Fees—on Divorce Bills, 82, 83. On Private Bills, 59.

First Reading of Bills—takes place immediately after the Bill is presented, 40.

Friday Adjournments—until the Monday following, 7.

G

Galleries of the Senate—Motion that they be cleared of Strangers always in order, 11.

G

Governor General—opens the session by a Gracious Speech from the Throne, 1. Recommends appropriations of Public Monies, 47. Receives daily a copy of the Minutes, 105. Commission and Instructions to be printed with Rules, 111.

Grants of Public Money—must be recommended by the Queen's Representative, 47.

H

House of Commons—See Members of the House of Commons.

I

Imprisonment—Inflicted in certain cases, 102.

Interested Parties—may be required to appear before Private Bill Committees, 64.

J

Journals of the Commons—may be searched, 110.

———Of the Senate—Bound in annual volumes, 106. Transmitted to Colonial Office; to Imperial and Colonial Legislatures, 108. May be searched, 110.

L

Laws of Canada—exchanged for those of the Imperial and Colonial Legislatures, 108.

Letters Patent or Agreement—must be annexed to Bills for confirming the same, 58.

Lists—of the Private Bills and Petitions referred to Committees, are hung up in the lobbies, 63.

M

Managers of Conferences—See Conferences.

Meeting of the Senate—takes place at 3 p.m., unless otherwise ordered,
3. The Senate does not usually sit on Saturday, 7. See Quorum.

Members of the House of Commons—have reserved seats below the Bar, 104.

Members of the Senate—keep their places until the Speaker has left the Chair, 8. May not pass between the Chair and the Table, 9. Bow to the Chair when entering or crossing the Senate Chamber, 9. Can only converse below the Bar, 9.

———Addressing the Senate, 20. Offended or injured, 26. Using objectionable words, 27. See Debates.

———May not go down to the Commons to be examined, nor send their answers, without leave, on pain of being committed, 102. See Voting.

Messages—Carried by one of the Clerks, 100. Received without interrupting business, 101. For the attendance of Senators, Officers, &c., before the Commons, 102.

Minutes—Of the Senate transmitted daily to His Excellency, 105.

Money Bills—Must be recommended by the Queen's Representative, 47. Annexing irrelevant clauses thereto, disallowed, 48.

Motions—Deemed special, require one intermediate day's notice, 14. No prefaced motion can be received, 15. No Senator can withdraw a motion without the unanimous consent of the Senate, 16. Nor can a motion for making a Standing Order be adopted, unless the Senators in attendance on the Session be summoned, 17. Rules respecting Motions under debate, 28.

N

Naming Senators—not allowed, 20.

Nays and Yeas—See Contents and Non-Contents.

N

New Parliament—proceedings at the opening of a, 1.

Notices—(Private Bills): 1.—Published by the Clerk of the Senate, for the information of parties, 50. Enumeration of Bills considered as Private; nature and form of the applicants notice and period of its publication, 51. Special Notice respecting Toll Bridge Bills, 52. Notice to be posted up in the Committee Rooms and Lobbies by the first day of the Session, of the time limited for receiving Petitions, Private Bills and the Reports thereon, 50.

2.—*During the Progress of Bills*—a week's notice for Senate Bills, and twenty-four hours' notice for Commons Bills, is to be given, before they can be taken into consideration by the Committee, 61. One day's notice is required of any important amendment offered in Committee of the Whole, or at the third reading, 70. Due notice is required, except in urgent cases, of every motion to dispense with a Standing Order, 18. Notice of the reference of every Private Bill and Petition, specifying the time and place of meeting, is to be hung up in the Lobby, 63.

Notices of Motion—One intermediate day's notice is required in all special cases, 14.

O

Obeisances—by Senators to the Chair, 9.

Objectionable or Offensive Words, 27.—See Debates.

Officers of the Senate—None to appear before the Commons or send an answer without leave from the Senate, 102.

Official Gazette—See Notices.

Opening of Parliament—tickets of admission required at the, 2.

Order and Decorum—required of Senators, 9.

Orders of the Day—Not disposed of, take precedence, on the next sitting day, 13.

Orders of the Senate—must be read before they can be entered, 19.

P

- Papers*—are referred to Printing Committee, 85.
- Parties to Bills*—may be required to appear before Committees, 64.
- Patents*—See Letters Patent.
- Personal Abuse*—or Quarrels prevented, 28.
- Personal Allusions*—A Senator may not refer to another by name, 20.
- Petitions*—are written or printed, 36. And when from Corporations, they bear their seals, 37. From parties purporting to represent public meetings, are not received as such, 38. For Private Bills—See Private Bills.
- Places*—Senators keep their places until the Speaker has left the Chair, 8.
- Points of Order or Practice*—explained and decided by the Speaker, subject to an Appeal to the Senate, 29.
- Prayers*—are said before report of Governor's speech at the opening of a Parliament, and of every subsequent Session, 1.
- Preamble*—not allowed in motions, 15.
- Previous Question*—may be put at any time of the debate, 24. But not in Committee of the Whole, 88.
- Printing Committee*—considers and reports as to the Printing any Sessional Papers, 85.
- Prison*—Senators and Officers may be committed in certain cases, 102.
- Private Bill Register*—for entering all proceedings relating to Private Bills, 62.

P

PRIVATE BILLS:

- | | |
|-----------------------------------|-----------------------------------|
| 1. PRELIMINARY CONDITIONS. | 6. BILLS REPORTED. |
| 2. PETITIONS. | 7. SUSPENSION OF RULES. |
| 3. STANDING ORDERS COMMITTEE. | 8. FEES AND EXPENSES. |
| 4. BILLS DEPOSITED AND PRESENTED. | 9. BILLS AMENDED BY COMMONS. |
| 5. BILLS COMMITTED. | 10. BILLS ORIGINATING IN COMMONS. |

1. *Preliminary Conditions.*—Notices or Advertisements, before the introduction of Bills, 51, 52. During progress of Bills, 61, 63, 70, 18. See Notices (Private Bills.)
2. *Petitions.*—No Petition is received after the first ten days of the Session, 49. Notice of the time limited for receiving Petitions is affixed in the Committee Rooms and Lobbies, by the first day of the Session, 50. Two months must elapse between the publication of the Notice and the consideration of the Petition, 51. Petitions, when received, are considered without special reference, by the Committee on Standing Orders, which reports whether the Rules have been complied with, and recommends the steps to be taken when the Notice is insufficient, 53. The rules regarding Petitions are not suspended unless recommended by the Committee on Standing Orders, 18. When a Petition is referred, all Petitions for or against the same are considered as referred, 60. Lists are prepared daily of the Petitions upon which Committees are to sit, 63.
3. *Standing Orders Committee.*—All Petitions are considered by this Committee, 53. Also all Bills from the Commons based on Petitions not already reported upon, 56.
4. *Bills deposited 8 days before session,* 59. None may be *presented* after the first two weeks of the Session, 49. Notice thereof is affixed in the Committee Rooms and Lobbies by the first day of the Session, 50. Bills are not introduced until after the Petitions relating thereto have been favorably reported upon, 57. Bills for confirming Letters Patent or any agreement must be accompanied by a copy of the same, 58. All Bills are prepared by the parties and printed at their expense by the Senate Contractor; 600 copies in English, and 200 copies in French

4. *Bills presented*—Continued. must be deposited with the Clerk of the Senate before the second reading, 59. May be referred to the Supreme Court before second reading, 55. All proceedings relating to Private Bills are entered in the Private Bill Register, 62.
5. *Bills Committed*.—After the second reading, Bills are at once referred to the Committee on Private Bills, if appointed, or to some other Standing Committee, with all the Petitions for or against the same, 60. Before they can be considered, notice thereof must be given during one week, or during 24 hours, if the Bill has originated in the Commons, 61. A copy of each Bill with the proposed amendments, must be lodged in the Clerk's Office, one clear day before its consideration, 54. All parties affected may be required to appear or to send in their consent, 64. All questions are decided by a majority of the voices, the Chairman having a double or casting vote, when the voices are equal, 65. The Chairman signs a printed copy of the Bill, and attests with his initials all amendments and clauses added, 69. Another copy prepared by the Clerk, is filed in his office, or attached to the Report, 69.
6. *Bills Reported*.—Bills must be reported upon before the first six weeks of the Session, 49. Provisions not contemplated in the Notice must be adverted to in the Report, 66. All Bills referred must be reported, and notice taken of any alteration made to the preamble, 67. When a report is unfavorable, it must contain the ground of objections, 68. And then the Bill cannot be placed on the Orders of the Day, without special leave, 68. Copies of all amended Bills must be filed in the Clerk's Office, or attached to the Report, 54.
7. *Suspension of Rules*.—No motion therefor is entertained unless reported on by the Committee on Standing Orders, 18.
8. *Fees and Expenses*.—Of translating and printing of Bills for the House are deposited 8 days before session, 59. A fee of Two hundred Dollars is paid immediately after the second reading of a Bill in the House in which it originates; the cost of printing the same are also paid by the parties interested and the receipt lodged with the Clerk of the Committee, 59.
9. *Bills amended by Commons*—Important amendments are referred to the Committee to which such Bill was originally referred, or to a Committee of the Whole, 71.

P

10. *Bills originating in Commons*—based on a Petition not already reported on, are taken into consideration and reported upon after the first reading by the Committee on Standing Orders, 56.

Prorogation of Parliament—Tickets of admission are required at the, 2.

Protests—must be entered and signed in the Clerk's Book, with or without reasons, before the rising of the Senate, at the next sitting, 34. They are subject to the control of the Senate, 35. Absent Senators are not allowed to protest, 35.

Q

Quarrels—The Senate interferes in quarrels between Senators, 28.

Questions—A Senator must speak to the question, 21. And only once, except in explanation or reply, or in Committee of the Whole, 22. May require the question to be read, 23. Not allowed to speak after the question has been entirely put, 33. What motions are received when a question is under debate, 24.

Quorum—consists of fifteen Senators, including the Speaker, 5. The Speaker adjourns for want of a quorum thirty minutes after the time of meeting, 5. The names of the Senators present are to be taken down, 5. And Senators in the adjoining rooms are summoned, 6.

R

Reconsideration of a Clause—allowed at any time before the passing of a Bill, 44.

Reply in Debate—allowed to a Senator who has made a substantive motion, 22.

Reports—by Select Committees, 96, 97. On Private Bills—See Private Bills.

Royal Instructions—to be printed with the Rules, 111.

Rules of the Senate—occasionally dispensed with :

- 14th, requiring notice of a special motion.
- 41st, against reading a Bill twice the same day.
- 49th, against receiving Petitions, Private Bills or Reports, after a certain day.
- 51st, requiring certain notices for Private Bills.
- 18th, requiring a Report on all Motions for suspending Rules on Private Bill Petitions.
- 57th, requiring Petitions to be reported on before introduction of Bills.
- 61st requiring a notice before consideration of Private Bills by Committees.

S

Salutations—on entering or crossing the Senate Chamber, 9.

Saturday—The Senate does not generally sit on, 7.

Seats—retained by Senators until the Speaker has left the Chair, 8.

—— below the Bar are reserved for Members of the Commons,
104.

—— vacated, 10.

Select Committees—See Committees, Select.

Senate—cleared of strangers, 11.

Senators—See Members of the Senate.

Sharp and taxing Speeches, 26. See Debates.

Six o'clock—The Speaker leaves the Chair at, till half-past seven, 4.

S

Sitting of the Senate—Time appointed for the daily, 3.

Speaker of the Senate—Reports the Speech from the Throne, 1. Adjourn for want of a quorum, 5, 6. Leaves the Chair at six until half-past seven, 4. Stands uncovered when speaking; explains and decides points of order, 29. Stops discussion when Senators persist in conversing together, 9. Orders withdrawal of Strangers, 11. Puts the question, 33. Obtains the assent of the Senate before entering an Order 19. Summonses to witnesses in Divorce Cases are issued under his hand and seal, 80.

Speaking—See Debates.

Special Motions—See Motions.

Speech from the Throne—Reported, 1.

Speeches—sharp or personal, 26.

Standing Committees. See Committees, Select.

Standing Orders—Senators in town summoned before making, 19.

———In regard to private Bills.—See Private Bills.

Strangers—Senate cleared of, after question put by Speaker and carried, 11.

Supply Bills—Annexing certain clauses thereto disallowed, 48. Bills appropriating public moneys must be recommended by His Excellency, 46.

Supreme Court—Private Bills referred to before second reading, 55.

Suspension of Rules, 18.—See Rules of the Senate.

T

Third Reading of Bills—take precedence on the Orders of the Day, 45.

U

Union Act and Amendments—to be printed with the Rules, 111.

Unprovided Cases—determined according to usages and forms of the Lords, in cases of Divorce, 84 ; also in other cases, 112.

Unusual Expedition—sometimes allowed in passing Bills, 42.

V

Voting in the Senate—In voting, the Contents rise first, 30. The yeas and nays are taken down when two Senators require it, 31.

———Senators may not vote unless within the Bar, 33.

———Withdrawal of vote for special reasons allowed with unanimous consent, 33.

W

Withdrawal of Motions—allowed with unanimous consent only, 16.

Witnesses—heard before Select Committee in Divorce cases, 78.

Notified by summons and allowed their reasonable expenses, 80.

Taken into custody when refusing to obey, 81.

Written Preamble—to motions not allowed, 15.

Words of Heat—forbidden, 26, 27.

Y

Yeas and Nays—See Contents and Non-Contents,

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ANNO TRICESIMO

VICTORIÆ REGINÆ.

CAP. III.

An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[*29th March, 1867.*]

WHEREAS the Provinces of Canada, Nova Scotia and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom :

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire :

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that

the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared :

And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America :

Be it therefore enacted and declared 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, as follows :

I. PRELIMINARY.

1. This Act may be cited as "The British North America Act, 1867."

2. The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II. UNION.

3. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honorable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months after the passing of this Act, the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the Name of Canada ; and on after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

4. The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have

effect on and after the Union, that is to say, on and after the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

6. The Parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada, shall be deemed to be severed, and shall form Two separate Provinces. The Part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the Part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same Limits as at the passing of this Act.

8. In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every Tenth Year thereafter, the respective Populations of the Four Provinces shall be distinguished.

III. EXECUTIVE POWER.

9. The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

10. The Provisions of this Act referring to the Governor General extend and apply to the Governor General

for the Time being of Canada, or other the Chief Executive Officer or Administrator for the Time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever Title he is designated.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the Persons who are to be Members of that Council shall be from Time to Time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from Time to Time removed by the Governor General.

12. All Powers, Authorities and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the Advice or with the Advice and Consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The Provisions of this Act referring to the Governor General in Council shall be construed as referring to

the Governor General acting by and with the Advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from Time to Time to appoint any Person or any Persons jointly or severally to be his Deputy or Deputies within any Part or Parts of Canada, and in that Capacity to exercise during the Pleasure of the Governor General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen; but the Appointment of such a Deputy or Deputies shall not affect the Exercise by the Governor General himself of any Power, Authority or Function.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

IV. LEGISLATIVE POWER.

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. ~~The Privileges, Immunities, and Powers to be held, enjoyed, and exercised by the Senate and by the House of Commons and by the Members thereof respectively shall be such as are from Time to Time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parlia-~~

Repealed section substituted by 38-39 Vict. c. 38. vide post p. 111.

~~ment of the United Kingdom of Great Britain and Ireland
and by the Members thereof.~~

19. The Parliament of Canada shall be called together not later than Six Months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every Year, so that Twelve Months shall not intervene between the last sitting of the Parliament in one Session and its first Sitting in the next Session.

The Senate.

21. The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Three Divisions:—

1. Ontario,
2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick; which Three Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada.

23. The Qualification of a Senator shall be as follows :

- (1.) He shall be of the full Age of Thirty Years ;
- (2.) He shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, before the Union, or of the Parliament of Canada after the Union :
- (3.) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in free and common Soccage, or seised or possessed for his own Use and Benefit of Land or Tenements held in Franc-alleu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same :
- (4.) His Real and Personal Property shall be together worth Four thousand Dollars over and above his Debts and Liabilities :
- (5.) He shall be resident in the Province for which he is appointed :
- (6.) In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

25. Such Persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their Names shall be inserted in the Queen's Proclamation of Union.

26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the Senate, the Governor General may by Summons to Three or Six qualified Persons (as the Case may be), representing equally the Three Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, until each of the Three Divisions of Canada is represented by Twenty-four Senators and no more.

28. The Number of Senators shall not at any Time exceed Seventy-eight.

29. A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life.

30. A Senator may by Writing under his Hand addressed to the Governor General resign his Place in the Senate, and thereupon the same shall be vacant.

31. The Place of a Senator shall become vacant in any of the following Cases:—

- (1.) If for Two consecutive Sessions of the Parliament he fails to give his Attendance in the Senate:
- (2.) If he takes an Oath or makes a Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power:
- (3.) If he is adjudged Bankrupt or Insolvent, or applies for the Benefit of any Law relating to Insolvent Debtors, or becomes a public Defaulter:
- (4.) If he is attainted of Treason or convicted of Felony or of any infamous Crime:
- (5.) If he ceases to be qualified in respect of Property or of Residence; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of Residence by reason only of his residing at the Seat of the Government of Canada while holding an Office under that Government requiring his Presence there.

32. When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall, by Summons to a fit and qualified Person, fill the Vacancy.

33. If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate the same shall be heard and determined by the Senate.

34. The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

35. Until the Parliament of Canada otherwise provides, the Presence of at least Fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers.

36. Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative.

The House of Commons.

37. The House of Commons shall, subject to the Provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the Purposes of the Election of Members to

serve in the House of Commons, be divided into Electoral Districts as follows:—

1.—*ONTARIO.*

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return One Member.

2.—*QUEBEC.*

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the Purposes of this Act an Electoral District entitled to return One Member.

3.—*NOVA SCOTIA.*

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties one Member.

4.—*NEW BRUNSWICK.*

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St.

John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

42. For the First Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such Person, in such Form, and addressed to such Returning Officers as he thinks fit.

The Person issuing Writs under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of

Assembly or Legislative Assembly of the Province of Canada, Nova Scotia or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like Powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly, or Legislative Assembly.

43. In case a Vacancy in the Representation in the House of Commons of any Electoral District happens before the Meeting of the Parliament, or after the Meeting of the Parliament before provision is made by the Parliament in this Behalf, the Provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

44. The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker.

45. In case of a Vacancy happening in the Office of Speaker by Death, Resignation, or otherwise, the House of Commons shall with all practicable Speed proceed to elect another of its Members to be Speaker.

46. The Speaker shall preside at all Meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the Absence for any Reason of the Speaker from the Chair of the House of Commons for a Period of Forty-eight consecutive hours, the House may elect another of its Members to Act as Speaker, and the Member so elected shall during the Continuance of such Absence of the Speaker, have and execute all the Powers, Privileges and Duties of Speaker

48. The Presence of at least Twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the Exercise of its Powers; and for that Purpose the Speaker shall be reckoned as a Member.

49. Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote.

50. Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

51. On the Completion of the Census in the Year One thousand eight hundred and seventy-one, and of each subsequent decennial Census, the Representation of the Four Provinces shall be readjusted by such Authority, in such Manner, and from such Time, as the Parliament of Canada from Time to Time provides, subject and according to the following Rules:—

- (1.) Quebec shall have the fixed Number of Sixty-five Members :
- (2.) There shall be assigned to each of the other Provinces such a Number of Members as will bear the same Proportion to the Number of its Population (ascertained at such Census) as the Number Sixty-five bears to the Number of the Population of Quebec (so ascertained) :
- (3.) In the Computation of the Number of Members for a Province a fractional Part not exceeding One Half of the whole Number requisite for entitling the Province to a Member shall be dis-

regarded; but a fractional Part exceeding One Half of that Number shall be equivalent to the whole Number:

- (4.) On any such Re-adjustment the number of Members for a Province shall not be reduced unless the Proportion which the Number of the Population of the Province bore to the Number of the aggregate Population of Canada at the then last preceding Re-adjustment of the Number of Members for the Province is ascertained at the then latest Census to be diminished by One Twentieth Part or upwards:
- (5.) Such Re-adjustment shall not take effect until the Termination of the then existing Parliament.

52. The Number of the Members of the House of Commons may be from Time to Time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

Money Votes; Royal Assent.

53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first Convenient Opportunity send an authentic Copy of the Act to One of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the Day of such Signification.

57. A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

An Entry of every such Speech, Message or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

V. PROVINCIAL CONSTITUTIONS.

Executive Power.

58. For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

59. A Lieutenant Governor shall hold Office during the Pleasure of the Governor General; but any Lieutenant Governor appointed after the Commencement of the First Session of the Parliament of Canada shall not be removable within Five Years from his Appointment, except for Cause assigned, which shall be communicated to him in Writing within One Month after the Order for his Removal is made, and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter if the Parliament is then sitting, and if not then, within One Week after the Commencement of the next Session of the Parliament.

60. The Salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor General, or some Person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor General.

62. The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the Time being of each Province or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever Title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such Persons as the Lieutenant Governor from Time to Time thinks fit, and in the first instance of the following Officers, namely,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec, the Speaker of the Legislative Council and the Solicitor General.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act.

65. All Powers, Authorities and functions which, under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the Advice, or with the Advice and Consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United King-

dom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The Provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the Advice of the Executive Council thereof.

67. The Governor General in Council may from Time to Time appoint an Administrator to execute the Office and Functions of Lieutenant Governor during his Absence, Illness, or other Inability.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

Legislative Power.

1.—ONTARIO.

69. There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of One House, styled the Legislative Assembly of Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

2.—QUEBEC.

71. There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of Two Houses,

styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant Governor in the Queen's Name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding Office for the Term of his Life, unless the Legislature of Quebec otherwise provides under the Provisions of this Act.

73. The Qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The Place of a Legislative Councillor of Quebec shall become vacant in the Cases, *mutatis mutandis*, in which the Place of Senator becomes vacant.

75. When a Vacancy happens in the Legislative Council of Quebec, by Resignation, Death, or otherwise, the Lieutenant Governor, in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified Person to fill the Vacancy.

76. If any Question arises respecting the Qualification of a Legislative Councillor of Quebec, or a Vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

77. The Lieutenant Governor may from Time to Time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his Stead.

78. Until the Legislature of Quebec otherwise provides, the Presence of at least Ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers.

79. Questions arising in the Legislative Council of Quebec shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the negative.

80. The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to Alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for Assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the Concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed.

3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than Six Months after the Union.

82. The Lieutenant Governor of Ontario and of Quebec shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a Person accepting or holding in Ontario or in Quebec any Office, Commission or Employment permanent or temporary at the Nomination of the Lieutenant Governor, to which an annual Salary, or any Fee, Allowance, Emolument or profit of any Kind or Amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any Person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say: the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such Office.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which such Elections may be continued, and the Trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and Execution of new Writs in case of Seats vacated otherwise than by Dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec;

Provided that until the Legislature of Ontario other-

wise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the Day of the Return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Legislature in each Province in one Session and its first Sitting in the next Session.

87. The following Provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say—the Provisions relating to the Election of a Speaker originally and on Vacancies, the Duties of the Speaker, the absence of the Speaker, the Quorum, and the Mode of Voting, as if those Provisions were here re-enacted and made applicable in Terms to each such Legislative Assembly.

4.—NOVA SCOTIA AND NEW BRUNSWICK.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act; and the House of Assembly of New Brunswick

existing at the passing of this Act shall, unless sooner dissolved, continue for the Period for which it was elected.

5.—*ONTARIO, QUEBEC AND NOVA SCOTIA.*

89. Each of the Lieutenant Governors of Ontario, Quebec and Nova Scotia shall cause Writs to be issued for the First Election of Members of the Legislative Assembly thereof in such Form and by such Person as he thinks fit, and at such Time and addressed to such Returning Officer as the Governor General directs, and so that the First Election of Member of Assembly for any Electoral District or any Subdivision thereof shall be held at the same Time and at the same Places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

6.—*THE FOUR PROVINCES.*

90. The following Provisions of this Act respecting the Parliament of Canada, namely,—the Provisions relating to Appropriation and Tax Bills, the recommendation of money votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

Powers of the Parliament.

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons,

to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.

12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country or between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the Issue of Paper Money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.

29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Exclusive Powers of Provincial Legislatures.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated, that is to say :—

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.

6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes :—
 - a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province :
 - b. Lines of Steam Ships between the Province and any British or Foreign Country :
 - c. Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.

12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

Education.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

1. Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
2. All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects, shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

3. Where in any Province a System of Separate or Dissident Schools exist by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education :
4. In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the Proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

Uniformity of Laws in Ontario, Nova Scotia and New Brunswick.

94. Notwithstanding anything in this Act, the Parliament of Canada may make Provision for the Uniformity of all or any of the Laws relative to Property and Civil Rights in Ontario, Nova Scotia and New Brunswick, and of the Procedure of all or any of the Courts in those Three Provinces, and from and after the passing of any Act in that Behalf the Power of the Parliament of Canada to make Laws in relation to any Matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted ; but any Act of the Parliament of Canada making Provision for such Uniformity

shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

Agriculture and Immigration.

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII. JUDICATURE.

96. The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

97. Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the Procedure of the Courts in those Provinces are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold office during good Behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

100. The Salaries, Allowances, and Pensions of the Judges of the Superior, District and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick,) and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada.

101. The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time, provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada.

VIII. REVENUES, DEBTS, ASSETS, TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have Power of Appropriation, except such Portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of Canada in the Manner and subject to the Charges in this Act provided.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the Costs, Charges and Expenses incident to the Collection, Management and Receipt thereof, and the same shall form the First Charge thereon, subject to be reviewed and audited in such Manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.

104. The annual Interest of the Public Debts of the several Provinces of Canada, Nova Scotia and New

Brunswick at the Union shall form the Second Charge on the Consolidated Revenue Fund of Canada.

105. Unless altered by the Parliament of Canada, the Salary of the Governor General shall be Ten thousand Pounds Sterling Money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the Third Charge thereon.

106. Subject to the several Payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service.

107. All Stocks, Cash, Banker's Balances and Securities for Money belonging to each Province at the Time of the Union, except as in this Act mentioned, shall be the Property of Canada, and shall be taken in Reduction of the amount of the respective Debts of the Provinces at the Union.

108. The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the Property of Canada.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

110. All Assets connected with such Portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

112. Ontario and Quebec conjointly shall be liable to Canada for the Amount (if any) by which the Debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

113. The Assets enumerated in the Fourth Schedule to this Act belonging at the Union to the Province of Canada shall be the Property of Ontario and Quebec conjointly.

114. Nova Scotia shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Eight million dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

115. New Brunswick shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Seven million dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

116. In case the Public Debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive by half-yearly Payments in advance from the Government of Canada Interest at Five per Centum per Annum on the Difference between the actual Amounts of their respective Debts and such stipulated Amounts.

117. The several Provinces shall retain all their respective Public Property not otherwise disposed of in

this Act, subject to the Right of Canada to assume any Lands or Public Property required for Fortifications or for the Defence of the Country.

118. The following Sums shall be paid yearly by Canada to the several Provinces for the Support of their Governments and Legislatures :

	<i>Dollars.</i>
Ontario - - - - -	Eighty thousand.
Quebec - - - - -	Seventy thousand.
Nova Scotia - - - - -	Sixty thousand.
New Brunswick - - - - -	Fifty thousand.

Two hundred and sixty thousand ;

and an annual Grant in aid of each Province shall be made, equal to eighty Cents per Head of the Population as ascertained by the Census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the Population of each of those two Provinces amounts to Four hundred thousand Souls, at which Rate such Grant shall thereafter remain. Such Grants shall be in full Settlement of all future Demands on Canada, and shall be paid half-yearly in advance to each Province ; but the Government of Canada shall deduct from such Grants, as against any Province, all Sums chargeable as Interest on the Public Debt of that Province in excess of the several Amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada, for the Period of Ten Years from the Union, an additional Allowance of Sixty-three thousand Dollars per Annum ; but as long as the Public Debt of that Province remains under Seven million Dollars, a Deduction equal to the Interest at Five per Centum per Annum on such Deficiency shall be made from that Allowance of Sixty-three thousand Dollars.

120. All Payments to be made under this Act, or in discharge of Liabilities created under any Act of the Provinces of Canada, Nova Scotia and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such Form and Manner as may from Time to Time be ordered by the Governor General in Council.

121. All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

122. The Customs and Excise Laws of each Province shall, subject to the Provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where Customs Duties are, at the Union, leviable on any Goods, Wares or Merchandises in any two Provinces, those Goods, Wares and Merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on Proof of Payment of the Customs Duty leviable thereon in the Province of Exportation, and on Payment of such further Amount (if any) of Customs Duty as is leviable thereon in the Province of Importation.

124. Nothing in this Act shall affect the Right of New Brunswick to levy the Lumber Dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the Amount of such Dues; but the Lumber of any of the Provinces other than New Brunswick shall not be subject to such Dues.

125. No Lands or Property belonging to Canada or any Province shall be liable to Taxation.

126. Such Portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had before the Union Power of Appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form One Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

IX. MISCELLANEOUS PROVISIONS.

General.

127. If any Person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia or New Brunswick, to whom a Place in the Senate is offered, does not within Thirty Days thereafter, by Writing under his Hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the Case may be), accept the same, he shall be deemed to have declined the same; and any Person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a Place in the Senate shall thereby vacate his Seat in such Legislative Council.

128. Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein, take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or a Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of

the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having Duties to discharge in relation to Matters other than those coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the Duties of their respective Offices under the same Liabilities, Responsibilities and Penalties as if the Union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor General in Council may from Time to Time appoint such Officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

132. The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the House of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

Ontario and Quebec.

134. Until the Legislature of Ontario and Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following Officers, to hold Office during Pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands and the Commissioner of Agriculture and Public Works, and in the Case of Quebec, the Solicitor General; and may, by Order of the Lieutenant Governor in Council, from Time to Time prescribe the Duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold Office during Pleasure, and may from

Time to Time prescribe the Duties of these Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec otherwise provides, all Rights, Powers, Duties, Functions, Responsibilities, or Authorities at the passing of this Act vested in, or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant Governor for the Discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the Duties and Functions of the Office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same Design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

137. The Words "and from thence to the End of the "then next ensuing Session of the Legislature," or Words to the same Effect used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the Subject-Matter of the Act is within the Powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario

and Quebec respectively, if the Subject-Matter of the Act is within the Powers of the same as defined by this Act.

138. From and after the Union the Use of the Words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter, or Thing, shall not invalidate the same.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a Time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several Matters and Things therein proclaimed shall be and continue of like Force and Effect as if the Union had not been made.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its Subject-Matter requires, under the Great Seal thereof; and from and after the Issue of such Proclamation the same and the several Matters and Things therein proclaimed shall be and continue of the like Force and Effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The Division and Adjustment of the Debts, Credits, Liabilities, Properties and Assets of Upper Ca-

nada and Lower Canada shall be referred to the Arbitrament of Three Arbitrators, One chosen by the Government of Ontario, One by the Government of Quebec, and One by the Government of Canada; and the Selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor General in Council may from Time to Time order that such and so many of the Records, Books, and Documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the Property of that Province; and any Copy thereof or Extract therefrom, duly certified by the Officer having charge of the Original thereof, shall be admitted as Evidence.

144. The Lieutenant Governor of Quebec may from Time to Time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the Metes and Bounds thereof.

X. INTERCOLONIAL RAILWAY.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a Declaration that the Construction of the Intercolonial Railway is essential to the Consolidation of the Union of British North America, and to the Assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that Provision should be made for its immediate Construction by the Government of Canada: Therefore, in order to give effect to that Agreement, it shall be the Duty of the

Government and Parliament of Canada to provide for the Commencement within Six Months after the Union, of a Railway connecting the River St. Lawrence with City of Halifax, in Nova Scotia, and for the Construction thereof without Intermission, and the Completion thereof with all practicable Speed.

XI. ADMISSION OF OTHER COLONIES.

146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the Admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a Representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the Admission of Newfoundland the normal Number of Senators shall be Seventy-six and their maximum Number shall be Eighty-two; but Prince Edward Island, when admitted, shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the Admission of Prince

Edward Island, whether Newfoundland is admitted or not, the Representation of Nova Scotia and New Brunswick in the Senate shall, as Vacancies occur, be reduced from Twelve to Ten Members respectively, and the Representation of each of those Provinces shall not be increased at any Time beyond Ten, except under the Provisions of the Act for the Appointment of Three or Six additional Senators under the Direction of the Queen.

SCHEDULES.

THE FIRST SCHEDULE.

Electoral Districts of Ontario.

A.

EXISTING ELECTORAL DIVISIONS.

COUNTIES.

- | | | |
|---------------|--|-------------------|
| 1. Prescott. | | 6. Carleton. |
| 2. Glengarry. | | 7. Prince Edward. |
| 3. Stormont. | | 8. Halton. |
| 4. Dundas. | | 9. Essex. |
| 5. Russell. | | |

RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.

13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan.)
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES AND TOWNS.

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

B.

NEW ELECTORAL DIVISIONS.

44. The Provisional Judicial District of ALGOMA.

The County of BRUCE, divided into Two Ridings, to be called respectively the North and South Ridings:—

45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albemarle, Amabel, Arran, Bruce, Elderslie and Saugeen, and the Village of Southampton.

46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinross, Culross and Carrick.

The County of HURON, divided into Two Ridings, to be called respectively the North and South Ridings:—

47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop.

48. The South Riding to consist of the Town of Goderich and the Township of Goderich, Tuckersmith, Stanley, Hay, Usborne and Stephen.

The County of MIDDLESEX, divided into Ridings, to be called respectively the North, West and East Ridings:—

49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron), and Williams East, Williams West, Adelaide and Lobo.

50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid, and the Village of Strathroy.

[The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.]

51. The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the Town of Sarnia.

52. The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwich, and the Town of Chatham.

53. The County of BOTHWELL to consist of the Townships of Sombra, Dawn and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of GREY divided into two Ridings to be called respectively the South and North Ridings:—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon.

55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH divided into Two Ridings, to be called respectively the South and North Ridings:—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the Town of Stratford.

57. The South Riding to Consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Ste. Marys.

The County of WELLINGTON divided into Three Ridings to be called respectively North, South and Centre Ridings:—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.

59. The Centre Riding to Consist of the Townships of Garafraxa, Erin, Eramosa, Nichol, and Pilkington, and the Villages of Fergus and Elora.

60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into Two Ridings, to be called respectively the South and North Ridings:—

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham, and Woodhouse, and with the Gore thereof.

62. The North Riding to consist of the Townships of Middleton, Townsend, and Windham, and the Town of Simcoe.
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole, and Dunn.
64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caister and Gainsborough, (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby, and Louth, and the Town of St. Catharines.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold, and Welland.
67. The County of PEEL to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of CARDWELL to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of SIMCOE, divided into two Ridings, to be called respectively the South and the North Ridings:—

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Ridings:—

71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulam, and the Town of Lindsay.
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville and Morrison, Muskoka, Monck and Watt, (taken from the County of Simcoe), and any other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings:—

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dum-

mer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of HASTINGS, divided into Three Ridings, to be called respectively the West, East, and North Ridings:—

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
76. The East Riding to consist of the Townships of Thurlow, Tyendinaga, and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake, and the Village of Stirling, and any other surveyed Townships lying to the North of the said North Riding.
78. The County of LENNOX, to consist of the Townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernest Town, and Amherst Island, and the Village of Napanee.
79. The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford.
80. The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pittsburgh and Howe Island, and Storrington.

The County of RENFREW, divided into Two Ridings, to be called respectively the South and North Ridings:—

81. The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards, and any other surveyed Townships lying North-westerly of the said North Riding.

Every Town and Incorporated Village existing at the Union, not specially mentioned in this Schedule, is to be taken as Part of the County or Riding within which it is locally situate.

THE SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.

COUNTIES OF—

Pontiac,	Missisquoi,	Compton,
Ottawa,	Brome,	Wolfe and
Argenteuil,	Shefford,	Richmond,
Huntingdon,	Stanstead,	Megantic.
	Town of Sherbrooke.	

THE THIRD SCHEDULE.

Provincial Public Works and Property to be the Property of Canada.

1. Canals, with Lands and Water Power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake Improvements.
6. Railway and Railway Stocks, Mortgages and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices and all other Public Buildings, except such as the Government of Canada appropriate for the Use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

THE FOURTH SCHEDULE.

Assets to be the Property of Ontario and Quebec conjointly.

Upper Canada Building Fund.
Lunatic Asylums.

Normal School.
 Court Houses, }
 in } Lower Canada.
 Aylmer, }
 Montreal, }
 Kamouraska. }
 Law Society, Upper Canada.
 Montreal Turnpike Trust.
 University Permanent Fund.
 Royal Institution.
 Consolidated Municipal Loan Fund, Upper Canada.
 Consolidated Municipal Loan Fund, Lower Canada.
 Agricultural Society, Upper Canada.
 Lower Canada Legislative Grant.
 Quebec Fire Loan.
 Temiscouata Advance Account.
 Quebec Turnpike Trust.
 Education—East.
 Building and Jury Fund, Lower Canada.
 Municipalities Fund,
 Lower Canada Superior Education Income Fund.

THE FIFTH SCHEDULE.

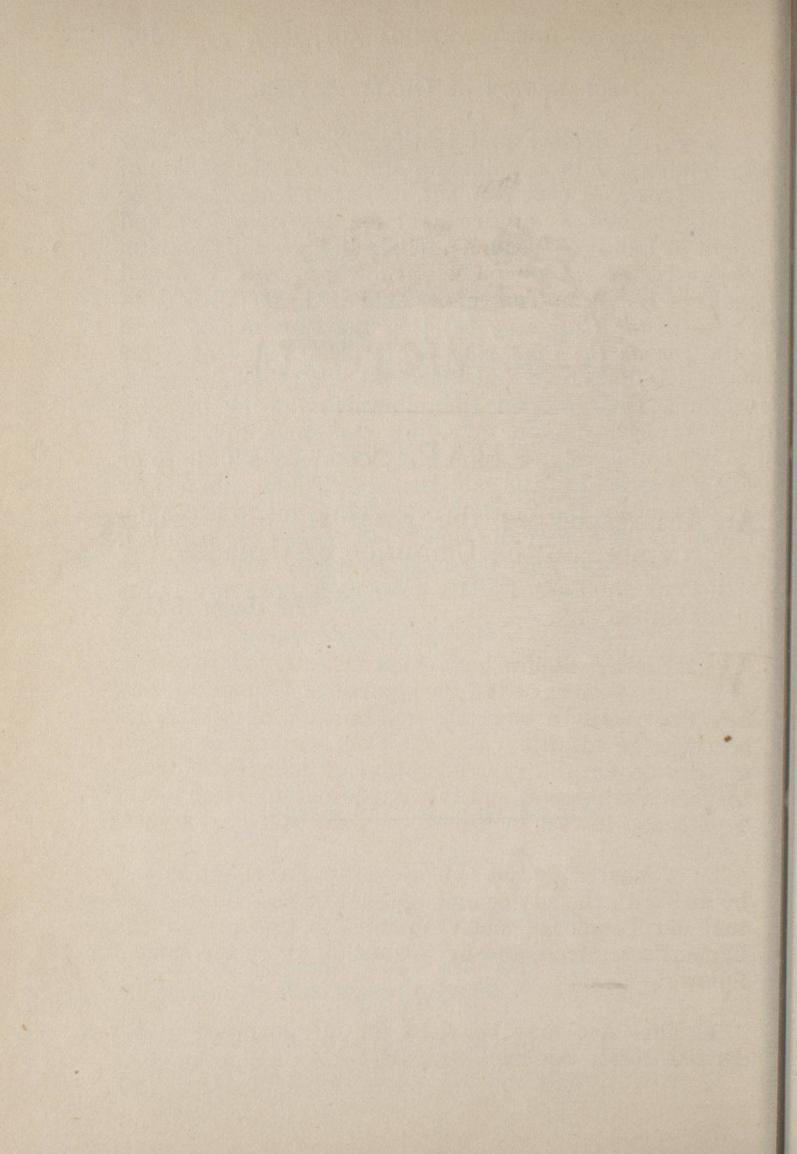
OATH OF ALLEGIANCE.

I, A. B., do swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

NOTE.—The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with proper Terms of Reference thereto.

DECLARATION OF QUALIFICATION.

I, A. B., do declare and testify, That I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the Case may be*], and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Soccage [*or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alieu or in Roture (as the Case may be),*] in the Province of Nova Scotia [*or as the Case may be*] of the Value of Four thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands or Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Senate of Canada [*or as the Case may be*], and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities.





34—35 VICTORIA.

CHAP. 28.

An Act respecting the Establishment of Provinces in the Dominion of Canada.

[29th June, 1871.]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it 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, as follows:—

1. This Act may be cited for all purposes as "The British North America Act, 1871."

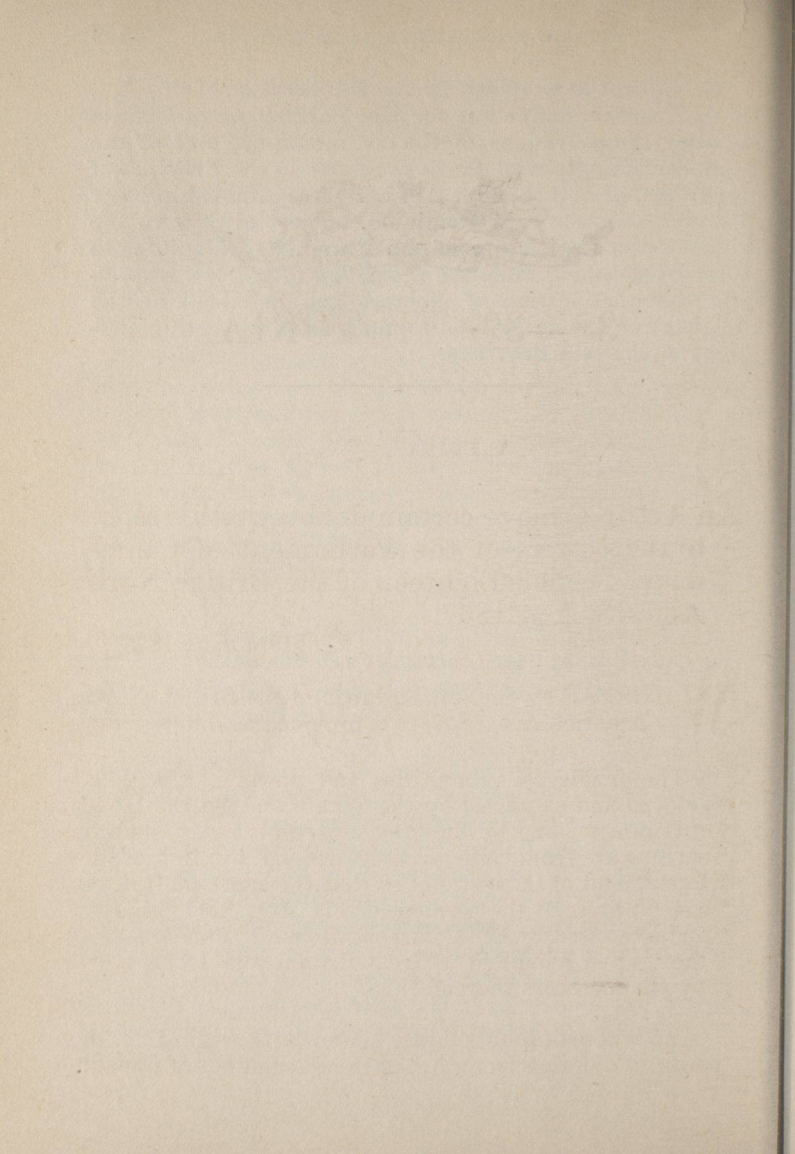
2. The Parliament of Canada may from time to time establish new Provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province and for the passing of laws for the peace, order and good government of such Province, and for its representation in the said Parliament.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province under such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of Territory in relation to any Province affected thereby.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any Territory not for the time being included in any Province.

5. The following Acts passed by the said Parliament of Canada and intituled respectively: "An Act for the Temporary Government of Rupert's Land and the North-Western Territory when united with Canada," and "An Act to amend and continue the Act Thirty-two and Thirty-three Victoria, chapter three," and to establish and provide for the "Government of the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent in the Queen's name of the Governor General of the said Dominion of Canada.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said Parliament, in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.





38—39 VICTORIA.

CHAP. 38.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under Section Eighteen of the British North America Act, 1867.

[19th July, 1875.]

WHEREAS by Section Eighteen of the British North America Act, 1867, it is provided as follows:—

“The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the Members respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof.”

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada,

in pursuance of the said section, the said privileges, powers, or immunities; and it is expedient to remove such doubts:

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, as follows:—

1. Section Eighteen of the British North America Act, 1867, is hereby repealed without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed.

The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the Members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities and powers, shall not confer any privileges, immunities or powers exceeding those at the passing of such Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

2. The Act of the Parliament of Canada passed in the thirty-first year of the Reign of Her present Majesty, chapter twenty-four, intituled "An Act to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament" shall be deemed to be valid, and to have been valid as from the date at which the Royal assent was given thereto by the Governor General of the Dominion of Canada.

3. This Act may be cited as "The Parliament of Canada Act, 1875."



GOVERNOR GENERAL'S COMMISSION.

CANADA.

DRAFT OF A COMMISSION passed under the Great Seal of the United Kingdom, appointing the Right Honourable the Earl of Dufferin, K.P., K.C.B., to be Governor General of Canada.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To Our Right Trusty and Right Well-beloved Cousin and Councillor Frederick Temple, Earl of Dufferin, Knight of Our Most Illustrious Order of Saint Patrick, Knight Commander of Our Most Honourable Order of the Bath, GREETING :

WHEREAS We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-ninth day of December, 1868, in the thirty-second year of Our reign, constitute and appoint Our Right Trusty and Well-Beloved Councillor Sir John Young, Baronet (now Our Right Trusty and Well-beloved Councillor John Baron Lisgar), Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most distinguished Order of St. Michael and Saint George, to be Governor General of Canada, for and during Our will and pleasure, as upon relation being had to the said recited Letters Patent will more fully and at large appear.

Now Know You that We have revoked and determined, and by these Presents do revoke and determine the said recited Letters Patent, and every clause, article, and thing therein contained. And further Know You that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said Frederick Temple, Earl of Dufferin, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and by these Presents do constitute and appoint you to be Our Governor General in and over Our Dominion of Canada, for and during Our will and pleasure. And We do hereby authorize and command you in due manner to execute all things that shall belong to your said command, and the trust We have reposed in you, according to the several Powers and Directions granted or appointed you by this Our present Commission, and of the Act of Parliament passed in the Thirtieth Year of Our Reign, intituled: "The British North America Act, 1867;" and according to such instructions as are herewith given to you, or as may hereafter be given to you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through One of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in Our said Dominion.

II. And We do hereby authorize and empower you to keep and use the Great Seal of Our said Dominion for sealing all things whatsoever that shall pass the said Great Seal.

III. And We do further authorize and empower you to constitute and appoint in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of Our said Dominion, as may be lawfully constituted or appointed by Us.

IV. And We do further authorize and empower you, as you shall see occasion, in Our name and on Our behalf, when any crime has been committed within Our said Dominion, to grant a Pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within Our said Dominion, a Pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to you may seem fit; and to remit any fines, penalties, or forfeitures which may become due and payable to Us.

V. And We do further authorize and empower you, so far as We lawfully may, upon sufficient cause to you appearing to remove from his office, or to suspend from the exercise of the same, any person exercising any such office or place within Our said Dominion, under or by virtue of any Commission or Warrant granted, or which may be granted by Us in Our name or by Our authority.

VI. And We do further authorize and empower you to exercise from time to time, as you may judge necessary, all powers lawfully belonging to Us, in respect of assembling, or proroguing, the Senate or the House of Commons of Our said Dominion, and of dissolving the said House of Commons, and We do hereby give the like authority to the several Lieutenant Governors for the time being, of the Provinces in Our said Dominion with respect to the Legislative Councils, or the Legislative or General Assemblies of those Provinces respectively.

VII. And We do by these Presents authorize and empower you, within Our said Dominion, to exercise all

such powers as We may be entitled to exercise therein in respect of granting Licenses for Marriages, Letters of Administration, and Probates of Wills, and with respect to the Custody and Management of Idiots and Lunatics, and their Estates.

VIII. And whereas by the said British North America Act, 1867, it is amongst other things enacted, that it shall be lawful for Us, if We think fit, to authorize the Governor General of Canada to appoint any person or persons jointly, or severally, to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of the Governor General, such of the powers, authorities and functions of the Governor General as he may deem it necessary or expedient to assign to him or them, subject to any limitations or directions from time to time expressed or given by Us: Now We do hereby authorize and empower you, subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly or severally, to be your Deputy or Deputies within any Part or Parts of Our Dominion of Canada, and in that capacity to exercise, during your pleasure, such of your powers, functions and authorities as you may deem it necessary or expedient to assign to him or them: Provided always that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by you, the said Frederick Temple Earl of Dufferin, in person.

IX. And We do hereby declare Our Pleasure to be that in the event of your death, incapacity or absence out of Our said Dominion, all and every the powers and authorities herein granted to you shall, until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign Manual and Signet, to be Our Lieutenant-Governor of Our said

Dominion, or if there shall be no such Lieutenant-Governor in Our said Dominion, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same; and in case there shall be no person or persons within Our said Dominion so appointed by Us, then in the Senior Officer for the time being in command of Our regular troops in Our said Dominion.

X. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Dominion, to be obedient, aiding and assisting unto you the said Frederick Temple, Earl of Dufferin, or in the event of your death, incapacity or absence, to such person or persons as may from time to time, under the provisions of this Our Commission, administer the Government of Our said Dominion.

In Witness whereof, We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Twenty-second day of May, in the Thirty-fifth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.



ROYAL INSTRUCTIONS TO GOVERNOR
GENERAL.

CANADA:

DRAFT OF INSTRUCTIONS *passed under the Royal Sign Manual and Signet to the Right Honorable the Earl of Dufferin, K.P., K.C.B., as Governor-General of Canada.*

VICTORIA R.

INSTRUCTIONS to Our Right Trusty and Right Well-Beloved Cousin and Councillor, Frederick Temple, Earl of Dufferin, Knight of Our Most Illustrious Order of Saint Patrick, Knight Commander of Our Most Honorable Order of the Bath, Our Governor General in and Over Our Dominion of Canada, or in his absence, to Our Lieutenant-Governor, or the Officer administering the Government of Our said Dominion of Canada for the time being. Given at Our Court at Balmoral, this Twenty-second day of May, 1872, in the Thirty-fifth Year of Our Reign.

WHEREAS, by a Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, we have constituted and appointed you, the said Frederick Temple, Earl of Dufferin, to be Our Governor General in and over Our Dominion of Canada, for and during Our Will and Pleasure, and have further authorized and commanded you to do and execute all things in due manner that shall

belong to your said command, and the trust thereby reposed in you, according to the several powers and directions therein mentioned, and particularly according to such Instructions as should therewith be given to you. Now, therefore, We do by these Our Instructions under Our Sign Manual and Signet, being the Instructions so referred to as aforesaid, declare Our Pleasure to be, that you shall with all due solemnity cause Our said Commission to be published in Our said Dominion; and you shall then and there take the oath of allegiance, in the form provided by an Act passed in the Session holden in the thirty-first and thirty-second years of Our Reign, intituled "An Act to amend the Law relating to Promissory Oaths;" and likewise that you do take the usual oath for the due execution of the office and trust of Our Governor General in and over Our Dominion of Canada, and for the due and impartial administration of Justice, which said oaths the Judges of Our Supreme Courts of Record within our said Dominion, or any three or more of such Judges, are hereby required to tender and administer unto you.

II. And We do authorize and require you from time to time, and at any time hereafter, by yourself or by any other person to be authorized by you in that behalf, to administer to all and to every persons or person, as you shall think fit, who shall hold any office or place of trust or profit, the said oath of allegiance, together with such other oath or oaths as may from time to time be prescribed by any laws or statutes in that behalf made and provided.

III. And We do require you to communicate forthwith to Our Privy Council for Our said Dominion these Our Instructions, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

IV. And We do hereby direct and enjoin, and it is Our Pleasure, that Our said Privy Council shall not proceed to the despatch of business unless duly summoned by your authority, nor unless four Members of the said Council be present, and assisting throughout the whole of the meetings, at which any such business shall be despatched.

V. And We do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part or of the whole of Our said Privy Council so present, it shall be competent for you to execute the powers and authorities vested in you by Our said Commission, and by these Our instructions, in opposition to such their opinion; it being nevertheless, Our Pleasure, that in every case it shall be competent to any Member of our said Privy Council to record at length, on the minutes of Our said Council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council.

VI. And it is Our pleasure and you are hereby authorized to appoint by an instrument under the Great Seal of Canada, one Member of Our said Privy Council to preside in your absence, and to remove him and appoint another in his stead. And if during your absence the Member so appointed shall also be absent, then the Senior Member of the Privy Council actually present shall preside, the seniority of the Members of the said Council being regulated according to the date or order of their respective appointments thereto.

VII. And We do further direct and enjoin that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Privy Council, and that at each meeting of the said Council the minutes of the last meeting be read over,

confirmed, or amended, as the case may require, before proceeding to the despatch of any other business.

VIII. And in the execution of so much of the powers as are vested in you by law for assenting to or withholding Assent from or of reserving for the signification of Our pleasure, Bills which may have been passed by the Houses of Parliament of Our said Dominion, We do direct and enjoin you to guide yourself, as far as may be practicable, by the following Rules, Directions and Instructions, that is to say :

IX. You are not to assent in Our name to any Bill of any of the classes hereinafter specified, that is to say :—

1. Any Bill for the divorce of persons joined together in holy matrimony.

2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to yourself.

3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin.

4. Any Bill imposing differential duties.

5. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

6. Any Bill interfering with the discipline or control of Our forces in Our said Dominion by land and sea.

7. Any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights and property of Our Subjects not residing in Our said Dominion, or the

trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.

8. Any Bill containing provisions to which Our assent has been once refused, or which has been disallowed by Us.

Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in Our said Dominion of our pleasure thereupon, or unless you shall have satisfied yourself that an urgent necessity exists, requiring that such Bill be brought into immediate operation, in which case you are authorized to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed on us by Treaty. But you are to transmit to Us by the earliest opportunity the Bill so assented to, together with your reasons for assenting thereto.

X. You will take care that all laws assented to by you in Our name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to you necessary, with such explanatory observations as may be required to exhibit the reasons and occasion for proposing such laws; and you shall also transmit fair copies of the Journals and Minutes of the Proceedings of the Legislative Bodies of Our said Dominion, which you are to require from the Clerks or other proper officers in that behalf of the said Legislative Bodies.

XI. And whereas We have by Our said Commission authorized and empowered you, as you shall see occasion, in Our name and on Our behalf, to grant to any person convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within Our said Dominion, a pardon either free or subject to lawful conditions:—Now

We do hereby direct and enjoin you to call upon the Judge who presided at the trial of any offender who shall have been condemned to suffer death by the sentence of any Court within Our said Dominion to make to you a written Report of the case of such offender, and such Report of the said Judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held, of Our said Privy Council, when the said Judge may be specially summoned to attend; and you shall not pardon or reprieve any such offender as aforesaid, unless it shall appear to you expedient to do so, upon receiving the advice of Our Privy Council therein, but in all such cases you are to decide either to extend or to withhold a pardon or reprieve, according to your own deliberate judgment, whether the Members of Our said Privy Council concur therein or otherwise; Entering, nevertheless, on the Minutes of Our said Council a minute of your reasons at length, in case you should decide any such questions in opposition to the judgment of the majority of the Members thereof.

XII. And We do further direct and enjoin that all Commissions granted by you to any person or persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

XIII. And We do further direct and enjoin that you do transmit to Us punctually from year to year, through one of Our Principal Secretaries of State, such annual Returns as are compiled in the Dominion of Canada, relative to the revenue and expenditure, militia, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters with reference to the state and condition of Our said Dominion.

XIV. And whereas great prejudice may happen to Our service and to the security of Our said Dominion by the absence of the Governor General, you shall not, upon any pretence whatever, quit the said Dominion without having first obtained leave from Us for so doing, under Our Sign-Manual and Signet, or through one of Our Principal Secretaries of State.

V. R.

INDEX

TO

THE UNION ACT, 1867,

AND OTHER

IMPERIAL ACTS AMENDING THE SAME.

[The figures refer to the Numbers of the Sections.]

A

Absence—

—Of a Senator, 31 (1)—See Rule 10—Of a Legislative Councillor, Quebec, 74, during two consecutive Sessions, involves forfeiture of Seat 31 (1).

—Of Speaker—See Speakers—Of Governors—See Governors.

Addition of Senators—See Senate.

Administration of Justice—See Judges.

—In Provinces—Under their exclusive control, 92 (14)—The appointment of Judges, except Judges of Probate in Nova Scotia and New Brunswick belongs to the Governor General, 96.

A

Administrators of Government—Have same powers as Governors, 10, 62.

———*For Provinces*—Named by the Governor General, 67.

Admission of other Colonies—146.

Admission of Articles of Home Growth, Manufacture or Produce—Duty Free, 121.

Advances to Provinces—Allowed by Canada Act 37 V., c. 17, s. 2.

Agriculture and Immigration—May be legislated upon by each Province for local purposes, but the Provincial Laws become inoperative when they clash with the Laws of Parliament, 95.

Algoma Electoral District—Every male British subject being a Householder aged 21, has a vote, 41.

Aliens—See Naturalization.

Allegiance—Oath of—See 5th Schedule.

Allowances to Provinces—Paid by Canada in full of all future demands, deducting therefrom all interest due on the Public Debt of each Province, in excess of the amount allowed by the Union Act, 118.

———*Ontario* will receive \$80,000 and *Quebec* \$70,000 yearly—and both a yearly grant of 80 cents per head, ascertained by the census of 1861, 118.

———*Nova Scotia* will receive \$60,000 and *New Brunswick* \$50,000, and both a yearly grant of 80 cents per head, ascertained by the census of 1861, but readjusted at each decennial census, until the population of each shall amount to 400,000 souls, at which rate the grant is to remain, 118.

———*New Brunswick* will, in addition, receive for ten years, half yearly, in advance, the yearly sum of \$63,000, deducting therefrom, so long as its Public Debt remains under \$7,000,000, a sum equal to 5 per cent interest on such deficiency, 119.

A

Allowances to Provinces—Continued.

—*Besides*, if the *Public Debts* of *Nova Scotia* and *New Brunswick*, do not amount, at the Union, to \$8,000,000, and \$7,000,000 respectively, they shall receive by half yearly payments, in advance, 5 per cent interest on the difference, 116.—*See* Public Property of Provinces—*See* Readjustment of Debts of Provinces.

Allowances and Salaries—See Salaries.

Appeal—A General Court of, may be constituted by Parliament for Canada, 101.—(Supreme Court constituted by Canada Act 38 V., c. 11; amended by 39 V., c. 26.)

—To Governor General in Council in favor of Dissident Schools, 93 (4)—*See* Education.

Application of Provisions—The provisions applicable to the Queen, extend to Her Heirs and Successors, 2.

—The provisions applicable to the Governor General, extend to the Administrator, 10.

—The provisions applicable to the Lieutenant Governors, extend to Administrators, 62.

—The provisions respecting *Money Votes* of Parliament apply to Legislatures, 90.

Appointment of Deputies—By Governor General, 14.

—*Of Administrators*—In place of Lieutenant Governors, during their absence or inability, is made by Governor General, 67.

—*Of Judges*—In the Provinces, belongs to Governor General, 96.

—*Of Officers* by Governor General after Union, 131.

—*Of Privy Councillors* by Governor General, 11.

—*Of Executive Councillors* by Lieutenant Governors, 134.

Appropriation and Tax Bills, 53, 90.—*See* Money Votes.

A

Appropriation and Tax Bills, etc.—Continued.

—Of unappropriated Revenue Fund for Public Service, 106.

Argenteuil—One of the 12 Electoral Districts whose limits are not to be altered, unless the 2nd and 3rd readings of the Bill be concurred in by a Majority of the members representing the 12 Districts, and an address be presented to the Lieutenant Governor, stating the fact, 80.—See 2nd Schedule.

Armed Forces—The Command in Chief of the Land and Naval Militia, and of the Naval and Military Forces, is vested in the Queen, 15.

Armouries, Drill Sheds, Military Clothing, Munitions of War and Lands set apart for public purposes belong to Canada, 108. See 3rd Schedule, (10).

Articles of Provincial Growth or Produce. Are admitted free from one Province into the other, 121.

Assembling of Parliament and Legislatures. See Meeting of.

Assent to Bills—See Royal Assent.

Assets (all) From a Public Debt assumed by a Province, belong to it, 110.

—belonging to Ontario and Quebec, 113. See 4th Schedule.

Asylums, Hospitals (Marine excepted) and Charities in Provinces, under their exclusive control, 92 (7).

Auctioneer Licenses—See Licenses.

Aylmer Court House—Joint property of Ontario and Quebec, 113—See 4th Schedule.

B

Bankers Balances, &c.—Transferred to Canada in reduction of Debts of Provinces, 107.

B

Banking and Paper Money—Under exclusive control of General Government, 91 (15).

Bankruptcy and Insolvency—Under exclusive control of General Government, 91 (21).

Beacons, Buoys, Light Houses and Sable Island—Under exclusive control of General Government, 91 (9).

Bills of Exchange and Promissory Notes—Under exclusive control of General Government, 91 (18).

Bills, Reserved—For Her Majesty's pleasure, 57.

———For His Excellency's pleasure, 90.

———*Assented to*—See Royal Assent.

Books, Records and Documents—Of late Province of Canada, 143.
See Records.

Borrowing Money on sole credit of a Province—Under its exclusive control, 92 (3). By a Province from Dominion—Canada Act 37 Vic., c. 17.

———On credit of Dominion—Under control of General Government, 91 (4).

British Columbia—Admission into the Confederacy, 146. Entered Union 20th July, 1871.—Documents relating thereto in Canada Statutes of 1872, page lxxxiv.

British North America Act, 1867—30 Vic., c. 3—See Union Act.

———1871—34-35 Vic., c. 28.—Amending Union Act—Canada may now establish new Provinces, alter their limits and legislate for Territories. It ratifies Canada Act, 32-33 V. c. 3, for Government of Rupert's Land, and the Act 33 Vic., c. 3, amending the same and establishing the Province of Manitoba.

———*The Parliament of Canada Act, 1875, 38-39 Vict., c. 38, Imperial* also amends the Union Act. See Privileges—Oaths.

B

Brome—See Argenteuil.

Building and Jury Fund L.C.—Joint property of Ontario and Quebec 113.—See 4th Schedule.

Building Fund, U.C.—Joint property of Ontario and Quebec, 113.—See 4th Schedule.

C

Calling of Parliament or Legislatures—See Meeting of.

Canadian Manufactures or Articles of the Growth of a Province—Admitted duty free in the others, 121.

Canals—When under exclusive control of General Government, 92 (10).—See Works, Local and Undertakings.

—With Lands and Water Power connected therewith, are the property of Canada, 108.—See 3rd Schedule, (1).

Casting Vote of Speaker—In Commons, 49 ; in Assemblies, 87.

Census of Canada—Taken every 10th year, commencing in 1871, distinguishing the population of each Province, 8. And readjusting representation of Provinces, 51.—See Readjustment—Fractional part. And Canada Act, 33 Vic., c. 8, respecting first Census.

—Under the Exclusive Control of General Government, 91 (6).

Changes in Constitutions—May be made by Legislatures, but not as regards the Office of Lieutenant Governor, 92 (1), though they may alter or abolish the Governor's powers, when not derived from Imperial Acts, 65.

Civil and Criminal Laws—Of the Provinces at the Union continue in force, 129.

—Of Ontario and the Maritime Provinces—May be assimilated by Parliament, but the Legislatures must concur in the same before they can be put into force, 94.

C

Civil Rights and Property in the Provinces.—Under their exclusive control, 92 (13).

Coinage and Currency—Under the exclusive control of General Government, 91 (14).

Colonies or Provinces—Their admission into the Union, 146, 147.—
See The British North America Act, 1871.

Command of Armed Forces—Vested in the Queen, 15.

Commissioners—For Administering the Oath to Members, 128.

Commons of Canada—See House of Commons.

Companies—With provincial objects—Their incorporation is under the exclusive control of the respective Legislatures, 92 (11).

Compton—See Argenteuil.

Consolidated Revenue Fund of Canada—Formed of all the Duties and Revenues (unless excepted by the Union Act) of the Provinces at the Union, 102—It is permanently charged with :

1st. The costs, charges and expenses of Collection, &c., 103.

2nd. The payment of the interest of the Public Debts of the Provinces at the Union, 104.

3rd. The salary of the Governor General, £10,000 stg., unless altered by Parliament, 105.

Consolidated Revenue Fund of Provinces—Consists of the appropriable Duties and Revenues of the Provinces, before the Union, reserved to them by Union Act; also of all Duties and Revenues raised by them under the same Act, 126.

Consolidated Municipal Loan Funds, U. C. and L. C., Joint property of Ontario and Quebec, 113. See 4th Schedule.

C

Consolidation or Assimilation of the Laws of Ontario, Nova Scotia and New Brunswick by Parliament, 94—Laws to come in force only when enacted by respective Provinces, 94.

Constitution—

—*Of Dominion of Canada—*Similar in principle to that of the United Kingdom—*See* Preamble.

—*Of Parliament—*Consists of the Queen, Senate and Commons, 17.

—*Of House of Commons, 37—Of Legislative Assemblies, Ontario, 70—Quebec, 80—Of Legislative Council, Quebec, 72—Of Provinces of New Brunswick, Nova Scotia, 88—Ontario 69, and Quebec, 71—Of Privy Council, 11—Of Senate, 21—See under respective heads.*

*Constitution of a Province—*May be amended by its Legislature, except as regards the Office of Lieutenant Governor 92 (1). His powers and prerogatives, unless derived from Imperial Acts, may be altered or annulled by Legislature, 65, 66.

*Constitution of Townships—*In Province of Quebec, 144.

*Construction or Interpretation—*Of Provisions and Names in the Union Act, 4.

*Contractors, &c.—*Government—Ineligible for House of Commons, 41—For Ontario or Quebec, 83.

Convening of Parliament and Legislatures—See Meeting of.

*Copyrights—*Under exclusive control of Parliament, 91 (23).

*Counties—*The limits of the 12 Electoral Districts in L. C. enumerated in the 2nd Schedule, may not be altered unless the majority of their representatives vote for the 2nd and 3rd readings of the Bill—And an address be presented to the Lieutenant Governor, representing the fact, 80.

*Court Houses (3), L. C.—*Joint property of Ontario and Quebec, 113.—*See* 4th Schedule.

C

Courts, Civil and Criminal in Provinces—Under their exclusive control, 92 (14).

——Of Law, 96. Additional for Canada, 101. *See* Judges.

——Of Appeal and of Probate, 96. *See* Appeal.

Criminal Law and Procedure, excepting the Constitution of Courts—Under the exclusive control of Parliament, 91 (27).

Currency and Coinage—Under the exclusive control of Parliament, 91 (14).

——Made Uniform—*See* Canada Act, 34 Vic., c. 4.

Custom Houses, Post Offices and all Public Buildings, unless set aside for Provinces, become the property of Canada, 108. *See* 3rd Schedule (8). *See* sec. 117.

Customs and Excise Laws of Provinces—Continue in force until altered by Parliament, 122.

D

Death of a Senator, 32.—Of a Legislative Councillor, Quebec, 75. Vacancy filled in the usual way, *Ibid*.

Debates—Allowed in the English and French Languages in the Houses of Parliament and Legislature of Quebec, 133.—And Manitoba, Canada Act 33 V., c. 3, s. 23.

Debts—Of Ontario and Quebec, 112—Of New Brunswick, 115—Of Nova Scotia, 114. *See* Public Debts of Provinces.

Debts, Credits, Liabilities, Properties and Assets—Of Upper and Lower Canada, 142.

Decennial Census—Taken for readjustment of representation, 51. *See* Census—Readjustment of Representation.

D

Declaration of Qualification and Oath—The Declaration is taken and subscribed by every Senator and Quebec Legislative Councillor (before taking his seat) before the Governor General or person authorized by him—Every Senator takes and subscribes the Declaration and Oath before the same Commissioner; the Legislative Councillors are sworn before the Lieutenant Governor or person by him authorized, 128.

Decrease or Diminution—Of the number of Members of a Province, 51
—See Readjustment.

Defense and Fortifications—Property of a Province may be taken for that purpose, 117.

——Under the exclusive control of General Government, 91 (7).

Denominational Schools, 93. See Education.

Deputies or Administrators—All powers belonging to Governor General or to Lieutenant Governors are vested in the Administrators, &c., 10, 62. Governor General may be authorized to appoint Deputies, 14. Governor General appoints Administrators for Provinces, 67.

Direct Taxation—By the Provinces—See Taxation.

Disallowance of Bills—By the Queen, must be accompanied with a Certificate from the Secretary of State, of the day on which the Act was received by him, 56.

——By the Governor General, 90—See Sessional Papers of 1869, No. 18; of '70, No. 35; of '71, No. 19—See Money Votes.

Disqualification—(31).

——Of Senators—1st. By failing to attend during two consecutive sessions—See Rule 10,—2nd. By becoming subjects of a Foreign Power,—3rd. By Bankruptcy, Insolvency, or taking the benefit of the Law of Bankruptcy, or becoming Public Defaulters,—4th. By Treason, Felony or other infamous crime,—5th. By losing their property qualification or ceasing to reside in their Province, unless they reside at the seat of Government, fulfilling the duties of their Office, 31 (5).

D

Disqualification—(81)—Continued.

—O *Legislative Councillors, Quebec*—Same provisions as above, *mutatis mutandis*, 74.

Dissentient Schools—See Education.

Distribution of Legislative Powers—

—*Powers of Parliament*—Parliament may legislate on all subjects not exclusively assigned to Legislatures; and exclusively on the 29 classes of subjects enumerated in 91 section, also on local works and undertakings specified in paragraph 10 of 92 sec. Also on Education, 93—See Education—Uniformity of Laws.

—*Powers of Legislatures*—They may legislate exclusively on the 16 classes of subjects enumerated in 92 sec. On Education, Immigration and Agriculture, under the restrictions contained in sections 93, 95.

Division of Records, &c.—See Records, &c.

Divorce.—See Marriage.

Documents, &c.—Of the late Province of Canada—See Records.

Dredges, Steamboats and Public Vessels—Belong to Canada, 108 — See 3rd Schedule, (10).

Drill Sheds, Armories and Lands—Set apart for public purposes belong to Canada, 108.—See 3rd Schedule (10).

Duplicate of every Proclamation, &c.—Announcing Royal Assent to a Reserved Bill, is to be delivered to the proper officer, to be kept among the Records of Canada, 57. The above provisions apply to the Provinces, 90.

Duration of House of Commons, 5 years, 50.

—*Of Legislative Assemblies, Ontario or Quebec*, 4 years, 85.

—*Of Legislative Assemblies, Maritime Provinces, as at present*, 88.
—See Nova Scotia and New Brunswick.

D

Dues, Revenues and Property reserved to Provinces,—All Mines, Minerals, Royalties and Sums due therefor, 109. Assets of the portions of a Public Debt, assumed by a Province, 110. All Public Property in each Province not otherwise disposed of, 117. Ontario and Quebec retain, as joint property, the assets enumerated in the 4th Schedule, sec. 113.

Duties—See Customs Duties.

Duties and Revenues in Provinces—Not specially appropriated to them by Union Act, and all others raised by the General Government under Union Act, form “*The Consolidated Revenue Fund of Canada*,” 102.

E

Education, 93. The exclusive powers of the Provinces to make Laws affecting Education are restricted as follows :

- 1st. Existing legal rights or privileges of Denominational Schools, at the Union, are not to be restricted.
- 2nd. All legal powers, privileges and duties of Separate Schools and Roman Catholic School Trustees in Upper Canada, at the Union, are extended to Protestant and Roman Catholic Dissident Schools in Quebec.
- 3rd. An appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial authority, affecting any right or privilege of the Protestant or Roman Catholic Minority.
- 4th. In default of a Provincial Law for the execution of the provisions of this section, or in case a Decision of the Governor General in Council in appeal, be not carried out by the Provincial Government, the Parliament of Canada may make remedial Laws to that effect, in both cases, 93.

—*East*—Joint property of Ontario and Quebec, 113.—See 4th Schedule.

E

Education, etc—Continued.

—*Superior Education Income Fund, L. C.*—Joint property of Ontario and Quebec, *Ibid.*

Eighty Cents Grant to Provinces, 118.—*See* Allowances.

Election Laws—In force at the Union in the several Provinces, 41, and in Ontario and Quebec continue, until altered by Parliament, 41—*or*: by Legislatures, 84.—*See* Canada Acts 37 V., cc. 9 and 10 and 39 V., cc. 9 and 10.

Election Writs.—*See* Writs.—*See* General Elections.

Electoral Districts—For Commons embracing the four Provinces, 40.—*See* House of Commons. For the Legislative Assemblies of Ontario and Quebec, same as for Commons, 70, 80.—*See* Counties.

Electoral Divisions, L. C., (24)—To be represented in the Senate, 22. Also in the Quebec Legislative Council, 72.

Electric Telegraphs.—*See* Telegraphs.

Employés—Government—Permanent or Temporary, ineligible, 41, 83.

English and French Languages—*See* French Language.

Exclusion of Senators from Commons, 39.

Exclusive Powers—Of Parliament and of Legislatures—*See* Distribution of Legislative Power.

Executive Council :—

—*Of Canada*—*See* Privy Council.

—*Of Ontario*, chosen by Lieutenant Governor, and consisting of such persons as he shall think fit, and in the first instance, of the Attorney General, Secretary and Registrar, Treasurer, Commissioner of Crown Lands, Commissioner of Agriculture and Public Works, 63, 83.

—*Of Quebec*, as above, with the addition of the Speaker of the Legislative Council and the Solicitor General, 63.

E

Executive Council :—Continued.

—Of *Nova Scotia and New Brunswick*, as at present, 64. See *Nova Scotia and New Brunswick*.

Executive Councillors of Provinces—In Ontario or Quebec, appointed by Lieutenant Governor, who prescribes their duties and those of their subordinates, 134.

Executive Power—Vested in the Queen, 9. Represented by the Governor General or Administrator, assisted by a Privy Council, 11. The Governor General is invested with all the powers of his predecessors, 12. Acts by himself, 12, or with the advice, or advice and consent of the Privy Council, 12, 13. May be authorized to appoint Deputies, 14.

Exemption of Public Lands from Taxation, 125.

Expenses of Collection of Revenue, Debts, Assets and Taxes, form first charge on the Consolidated Revenue Fund of Canada, 103.

Export Duties on Lumber—See *New Brunswick*.

F

Ferries—Between a Province and any British or Foreign Country, or between two Provinces—Under exclusive control of General Government, 91 (13).

Fines, Penalties and Imprisonment—For enforcing any Law of a Province, are exclusively imposed by that Province, 92 (15).

Fisheries, Inland and Sea Coast—Under exclusive control of General Government, 91 (12).

Foreign Countries—See *Treaty Obligations*.

Fortifications and Defense—Under exclusive control of General Government, 91 (7).

—General Government may take Provincial Property therefor,
117.

F

Fractional part of a number—Not exceeding one-half of the whole number required by a Province to obtain an additional Member is disregarded, but if the fraction is over one-half, it entitles to an additional Member, 51 (3).

French Language—Either English or French may be used in Debates in Houses of Parliament and of Quebec; and both Languages shall be used in their Records; and either Language in Pleadings and Processes of Courts of Quebec or of Canada, established under this Act, 133.

Same in Manitoba. See Canada Act, 33 Vic., c. 3, sec. 23.

G

General Court of Appeal—See Appeal.

General Elections—Commons, every five years, 50. Assemblies, every four years, 185.

Governor in Council—Its meaning with regard to Government of Canada, 13,—to Governments of Provinces, 66.

Governors :—

—*Governor General*—His powers apply to Administrator, 10. Enjoys all the powers of his predecessors, 12. May be authorized to appoint Deputies, 14. Appoints his Privy Council, 11. Receives £10,000 stg. per annum, 105. His name substituted for the Queen's name, 90. Appoints Administrators during absence of Lieutenant Governors, 67.

Lieutenant Governors, appointed by Governor General in Council, 58, 59; for five years and not removeable, except for cause communicated in writing to Lieutenant Governors, and to Houses of Parliament, 59.

—*Salaries* fixed and provided by Parliament, 60. The Oaths of Allegiance and Office taken and subscribed by Lieutenant Governors before assuming their duties, are similar to those taken by Governor General, 61. Appoint their Executive Council, 63. Invested with all the powers of preceding Governors—These powers may be altered or abolished by Legislatures, if they are not derived from Imperial Acts, 92 (1), 65. When absent, from illness or inability, an Administrator is appointed by Governor General in Council, 67. Lieutenant Governor's name substituted for that of the Governor General, 90.

G

Grants to Provinces, 118-119.—*See* Allowances to Provinces.

Great Seals—Of Ontario and Quebec, same as formerly used in Upper and Lower Canada, 136.

H

Halifax—The capital of Nova Scotia, 68.

———*County*—Entitled to two Members, the 17 other Counties are only entitled to one each, 40 (3). Readjusted by Canada Act, 35 Vic., c. 13.

Harbors, Public—The property of Canada, 108. *See* 3rd Schedule (2).

Hospitals, Asylums, Charities, &c., in Provinces—Under their exclusive control, 92 (7).

———*Marine*—Under the exclusive control of General Government, 91 (11), 92 (7).

Householders of Algoma, aged 21 have a vote, 41.

House of Commons—Consists of 181 Members, 37—Ontario, 82—Quebec, 65—Nova Scotia, 19—New Brunswick, 15, 37. *See* Canada Readjustment Act, 35 Vic., c. 13.

———*Called together* from time to time, 38, at least once within 12 months, 20.

———*Elected* for 5 years, subject to Dissolution, 50.

———*Election Laws* in force in Provinces apply to Elections for Commons, excepting as regards Algoma, 41.

———*Electoral Districts*—Of four Provinces, 40.

———*Increase of Members*—Allowed, but without disturbing proportionate representation, 52.

H

House of Commons—Continued.

———*Questions*—Decided by majority, the Speaker having a vote when voices are equal, 49.

———*Quorum*, 20 members, including Speaker, 48.

———*Representation*—Readjusted at each decennial census, 51.

———*Senators*—Ineligible for Commons, 39.

———*Speaker*—Elected with all practical speed, 44. Same on vacancy, 45. Presides at Meetings of the House, 46. If absent during 48 hours, another is elected *pro. tem.*, 47.

———*Tax and Appropriation Bills* originate in Commons, 53.

———*Vacancies*—In representation filled as directed in 42 sec., 43.

Huntingdon—See *Argenteuil*.

I

Illness or Inability of a Lieutenant Governor—An Administrator is appointed by Governor General, 67.

Immigration and Agriculture—Provincial Laws superseded by Laws of Parliament of Canada, 95.

Immunities, Privileges and Powers, of Houses and Members of Parliament, 18. See *Privileges*.

Impost or Tax Bills—Originate in Lower Houses, 53, 99. Are first recommended by message, 54:

Inability or absence of a Lieutenant Governor. See *Illness*.

———Of Speakers—See *Speakers*.

Incorporation of Companies—See *Companies*.

I

Increase of Members of House of Commons—Must take place without interfering with proportionate representation, 52. *See* Canada Readjustment Act, 35 Vic., c. 13.

Indians and Indian Lands—Under exclusive control of Parliament, 91 (24).

Ineligibility—Of salaried officers for Commons, 41. For Ontario or Quebec, 83.

Insolvency and Bankruptcy—Under exclusive control of Parliament, 91 (21).

Intercolonial Railway, to connect the St. Lawrence with Halifax, 145.

Interest of Money—Under the exclusive control of General Government, 91 (19).

Interest of Public Debts of Provinces—Constitutes the 2nd charge on the C. R. F. of Canada, 104.

———The General Government deduct from the allowances to Provinces, all interest due on such Debts, in excess of the sums allowed by Union Act, 118.

———Paid to Nova Scotia and New Brunswick, 116. *See* Allowances to Provinces.

J

Journals, &c., of Parliament of Canada and of Quebec—To be printed and published in English and French, 133. *See* Manitoba.

Judges of Superior, District, and County Courts—Except Judges of Probate Courts of Nova Scotia and New Brunswick, are all appointed by Governor General, 96, and temporarily selected from respective Bars, 97.

———*Of Quebec Courts*, always from Bar of L. C., 98.

J

Judges of Superior, Division, and County Courts—Continued.
 ————*Of Superior Courts*—Removable by Governor General, on Address of Senate and Commons, 99.

—————*Salaries, Allowances and Pensions* (except Judges of Probate in Nova Scotia and New Brunswick) of the Judges of the above Courts and of the Courts of Admiralty, when paid by salary, are fixed and provided by the Parliament of Canada, 100. *See* Appeal.

K

Kamouraska Court House—Joint property of Quebec and Ontario, 113.—*See* 4th Schedule.

Kewatin—Separated from North West Territories under the name of District of.—*See* Canada Act, 39 Vic., c. 21.

L

Lake Improvements—The property of Canada, 108.—*See* 3rd Schedule (5).

Lands set apart for Public Purposes—Belong to Canada, 108.—*See* 3rd Schedule (10).

Lands, Mines, Minerals, Royalties, &c., in a Province, belong to that Province, 109.

Lands or Property—Belonging to Canada, or Provinces, not liable to taxation, 125.

Law Society, U.C.—Joint property of Ontario and Quebec, 113.—*See* 4th Schedule.

Laws of Ontario, Nova Scotia and New Brunswick—May be assimilated by Parliament, 94.

L

- Laws in force at the Union in Provinces* continue in force, subject to Union Act, 129.
- Legal Tender*—Under exclusive control of General Government, 91 (20).
- Legislative Assemblies*—Of Ontario, 69, 70 ; of Quebec, 71, 80.
- Legislative Council of Quebec*, 71, 72.
- Legislative Councillors*—Of late Provinces, 127.
- Of Quebec*—Are appointed by Lieutenant Governor, 72. Qualifications, 73. Vacancies, 74. New appointments, 75. Questions thereon determined by Council, 76.
- Legislative Grant, L.C.*—Joint property of Ontario and Quebec, 113.
—*See* 4th Schedule.
- Liabilities of Canada*—*See* Consolidated Revenue Fund of Canada.
- Licenses*—Of all kinds in Provinces, for raising a Revenue for Provincial, Local or Municipal purposes, under their exclusive control, 92 (9).
- Lieutenant Governors*—*See* Governors.
- Light houses, Buoys, &c.*—Under exclusive control of General Government, 91 (9).
- Light houses, Piers and Sable Island*—The property of Canada, 108.
—*See* 3rd Schedule (3).
- Loans*—*See* Borrowing Money.
- To Provinces*—*See* Advances to Provinces.
- Local Works and Undertakings*—In Provinces, 92 (10).—*See* Works.
- Lower Canada*—Used after Union will not invalidate Deeds, &c., 138.

L

Lumber Dues in New Brunswick—Continue to be levied by the Province, but not increased, 124.—Repealed —See New Brunswick.

Lunatic Asylums—Joint property of Quebec and Ontario, 113.—See 4th schedule.

M

Manitoba—Constituted a Province and brought into the Union on 15th July, 1870, Canada Act 33 V., c. 3, ratified by Imperial Act, 34, 35 Vic., c. 28. For Orders in Council, &c.—See Statutes of 1872, pages li. and lxii. English and French languages used—Canada Act, 33 Vic., c. 3, s. 23.

Manufactures or Produce—Of one Province admitted free throughout Canada, 121.

Marine Hospitals and Quarantine—Under exclusive control of General Government, 91 (11).

Marriage—Solemnization of, within Provinces, under their exclusive control, 92, (12).

—*and Divorce*—Under exclusive control of General Government, 91 (26).

Maximum Number of Senators, 28, 147.—See Senate.—See Manitoba and British Columbia.

Meeting of Legislatures—Of Ontario and Quebec, 81. From time to time, 82. At least once within 12 months, 86.

—*Of Parliament*, 19. From time to time, 38. At least once within 12 months, 20.

Megantic—See Argenteuil.

Messages, &c.—Communicating Royal Assent to Bills, to be entered on the Journals of each House, 57.

M

Messages—Announcing Governor's consent to Money Bills, 54.

Military Roads—The property of Canada, 108.—See 3rd Schedule, (7).

Militia, Military and Naval Service and Defence—Under exclusive control of General Government, 91 (7).

Mines, Minerals, Royalties, &c.—Belong to respective Provinces, 109.

Ministers of Ontario and Quebec, are invested with all the powers and immunities of the corresponding Officers of the late Province of Canada, 135.

Missisquoi—See Argenteuil.

Money Borrowed—On sole credit of a Province, remains under its exclusive control, 92 (3).

—On Public Credit by General Government, is exclusively under its control, 91 (4).

Money Bills—Originate in Commons, 53, and in Legislative Assemblies, 90. Must be recommended during the same session by Governor General, 54, or Lieutenant Governor, 90.

Money Votes, Resolutions or Addresses—Must be first recommended, 54, 90.

Montreal Court House—Joint property of Ontario and Quebec, 113—See 4th Schedule.

Montreal Turnpike Trust—Joint property of Ontario and Quebec, 113—See 4th Schedule.

Municipal Loan Fund, U. C.—Joint property of Ontario and Quebec, 113—See 4th schedule.

—*L. C.*—Joint property of Ontario and Quebec, 113—See 4th Schedule.

Municipal Institutions—Under exclusive control of Provinces, 92 (8).

Municipalities Fund—Joint property of Ontario and Quebec, 113—See 4th Schedule.

N

Naturalization and Aliens—Under exclusive control of General Government, 91 (25).

Naval Service—Under exclusive control of General Government, 91 (7).

Navigation and Shipping—Under exclusive control of General Government, 91 (10).

New Brunswick—Retains its present limits, 7, and Executive Authority, 64. Its Legislature, 88. Courts, Commissions, Officers, &c., 29.

— *Appropriation and Tax Bills*—The provisions applicable to Parliament, 53, 54, apply to Provinces, 90. Assets—*See* Allowances to Provinces. Her lumber dues are retained, 124. (Repealed by New Brunswick Act, 36 Vic., c. 17—Subsidy allowed therefor, Canada Act, 36 Vic., c. 41.) Her Public Property not disposed of by Union Act, is retained, subject to be taken when required for Fortifications or Defence, 117.

Newfoundland—May be admitted into the Union by the Queen in Council, on Addresses of the Houses of Parliament and of the Houses of its own Legislature, 146, 147. When admitted, it will be entitled to four representatives in the Senate, 147.—Negotiations therefor in 1869—Sessional Papers, No. 51. 2 Senate Journal, 184. 2 Commons Journal, 187, 205, 215.

Normal Number of Senators, 21, 147.

Normal Schools—Property of Ontario and Quebec, 113. *See* 4th Schedule.

North Western Territory—May be admitted into the Union, on Address from Houses of Parliament, 146. (For terms of transfer and sale to Canada—*See* Sessional Papers of 1869, No. 25. Provisional Government established by Canada Act, 32 & 33 Vic., c. 3—Transferred by Imperial Act, 31 & 32 Vic., c. 105—Forms part of Canada since 15th July, 1870. For Orders in Council, &c.—*See* Statutes of Canada of 1872, p. lxii)—*See* also Manitoba and Kewatin]

N

Nova Scotia—Retains its present limits, 7, and Executive Authority, 64. Its Legislature, 88. Courts, Commissions, Officers, &c., 129.

—*Appropriation and Tax Bills*—Provisions applicable to Parliament, apply to Provinces, 90. Assets—*See* Allowances to Provinces. Her Public Property not disposed of by Union Act, is retained, subject to be taken for Fortifications or Defence, 117.

O

Oaths—By Members of Privy Council, 11. By Lieutenant Governors, same as Governor General, 61. By Senators, 128. By Members of Commons, Legislative Councillors and Members of Assemblies, 128. For Oath of Allegiance and Declaration of qualification—*See* 5th Schedule.

—Administered to Witnesses at the Bar of the Senate by the Clerk, or by the Chairman or any Member of any Committee—*See* Canada Act, 31 Vic., c. 24, ratified by Imperial Act, 38-39 Vic., c. 38, s. 2—*Also* Canada Act, 39 Vic., c. 7.

Officers—May be appointed by Governor General for carrying out provisions of Union Act, 131.

Offices and Officers—In Provinces, under exclusive control of Local Governments, 92 (4).

Ontario—Province of—Formed of the late Province of Upper Canada, 6, is divided into 82 Electoral Districts, enumerated in the first Schedule, each returning one Member for the Commons, 40, and one for the Assembly, 70—*See* Readjustment of Representation.

The Legislature consists of the Lieutenant Governor and the Legislative Assembly, 69. With power to modify its constitution, except as regards the Office of Lieutenant Governor, 92 (1). The Governor's powers and authorities may be altered or abolished, if not derived from Imperial Acts, 65.—All Courts, Commissions, Officers, &c., continue after Union, 149. Office-holders ineligible, save Ministers and others, 83.

—The Assembly is elected for four years, subject to Dissolution, 85. To be convened, 81. From time to time, 82. At least once within 12 months, 86.



Ontario—Continued.

—The provisions applicable to Commons in regard to election of Speaker, Quorum and Voting, apply to Assembly, 87. Also the provisions in regard to Appropriation and Tax Bills, 90.

—*Vacancies* in the Representation until otherwise provided, are filled up as directed in 42 sec., 43.

Ordinance Property—Belongs to Canada, 108.—*See* 3rd Schedule (9.)

Ottawa—Seat of Government of Dominion, 16.

P

Parliament of Canada—Name of Legislative Power of Confederation, 17. Consists of the Queen, Senate and Commons, 17. A Parliament continues for 5 years, unless dissolved, 50. Its privileges not to exceed those of the House of Commons, England, at the passing of the Union Act, 18. By Imperial Act 38 & 39 V., c. 38, Parliament may obtain further privileges up to the passing of any Canadian Act for that purpose.

—Is convened from time to time, 38. At least once within 12 months, 20.

—Its powers for making Laws generally, and exclusively on certain subjects, are enumerated in sections 91, 92, 93.—*See* Distribution of Legislative Power.

Patents of Invention—Under exclusive control of General Government, 91 (22).

Payment of Interest—To Nova Scotia and New Brunswick, 116.—*See* Allowances to Provinces.

—Under Union Act, or in Discharge of Liabilities of late Provinces, assumed by Canada, shall, until Parliament otherwise provides, be made in the manner ordered by Governor General in Council, 120.

P

Penalties and Imprisonment—In Provinces, 92 (15).—*See* Fines.

Penitentiaries—Under exclusive control of General Government, 91 (28).

Penitentiary at Kingston—To be the Penitentiary for Ontario and Quebec, until Parliament otherwise provides, 141.

Pensions of Judges, 100.—*See* Judges.

Piers, Lighthouses and Sable Island—The property of General Government, 108.—*See* 3rd Schedule, (3).

Pontiac.—*See* Argenteuil.

Population of Respective Provinces—To be distinguished in next Census, 8.—*See* Census—Readjustment.

Post Offices, Custom Houses and other Public Buildings—Unless set apart by Parliament for Provinces, are the property of the General Government, 108.—*See* 3rd Schedule, (8).

Postal Service—Under exclusive control of General Government, 91 (5).

Powers of Parliament—*See* Parliament.

Powers, Authorities and Functions—Of Lieutenant Governors of Ontario and Quebec, may be altered or abolished by respective Legislatures, but not when derived from Imperial Acts, 65. Nor can a Legislature interfere with the office of Lieutenant Governor, 92 (1).

———*Privileges and Immunities of Parliament*—*See* Privileges.

Prince Edward Island, 146.

———Entitled to four Members in the Senate, two being taken from the number now allowed to Nova Scotia, and two from New Brunswick, 147. (Entered Union 1st July, 1873. Documents relating to admission in Canadian Statutes of 1873, p. ix.)

P

Prisons, Public and Reformatory, in Provinces—Under their exclusive control, 92 (6).

Privileges, Immunities and Powers of Houses and Members of Parliament—To be defined by Act of Parliament, but not to exceed those of the House and Members of Commons, England, at the passing of the Union Act, 18. Now, up to the passing of any Canadian Act for that purpose. Imperial Act 38-39 V., c. 38, s. 1.

Privy Councillors—Appointed, sworn and removed by Governor General, 11.

Procedure of Courts in Ontario and Maritime Provinces, to be assimilated, 90.

Procedure in Criminal Matters, and the Criminal Law—Under exclusive control of General Government, 91 (27).

Proclamations :—

—Announcing Royal Assent to reserved Bills, to be entered on Journals of both Houses, 57.—*See Duplicate.*

Produce and Manufactures of a Province—Admitted free throughout Canada, 121.

Promissory Notes and Bills of Exchange—Under exclusive control of General Government, 91 (18).

Property of Provinces, 17—*See Public Property of Provinces.*

Property or Lands belonging to Canada, or the Provinces, not liable to Taxation, 125.

Protestant Schools.—*See Education.*

Provincial Property—All property not assigned to Dominion by Union Act, 117.—*See Duties and Revenues reserved to Provinces.*

Provisions, respecting Speaker, Quorum, Mode of voting in Commons, apply to Ontario and Quebec, 87.

P

Provisions—Continued.

—Respecting recommendation of Money Votes, apply to Ontario and Quebec, 90.

—Respecting Bills reserved for signification of Royal Pleasure, 57, or for Governor General's Pleasure, 90.

Public Debt and Property—Under exclusive control of General Government, 91 (1).

Public Debts of Provinces—Interest thereon forms 2nd charge on Consolidated Revenue Fund of Canada, 104.

Public Lands and Timber in Provinces—Under their exclusive control, 92 (5).

Public Officers—Permanent or temporary, save Ministers and others, are ineligibile for Commons, 41, or Provinces, 83.

Public Property of Provinces—When not otherwise disposed of, belongs to Provinces, 117.—*See* Duties and Revenues reserved to Provinces.

Public Works and Property—In each Province, enumerated in 3rd Schedule, belong to Canada, 108.

Q

Qualifications, of Senators, 23. Of Legislative Councillors, 73. Of Members of Commons, 41. Questions arising thereon, 76.—*See* Disqualification.

Quarantine and Marine Hospitals—Under exclusive control of General Government, 91 (11). 92 (7).

Quebec, the Province of—Formed of late Province of Lower Canada, 6.

—Divided for Commons into 65 Electoral Districts, as at present, each returning one Member, 40 (2).—*See* Readjustment.

Quebec, the Province of—Continued.

Its Legislature consists of three branches, 71. 1st. The Lieutenant Governor and his Advisers, 63. 2nd. The Legislative Council, composed of 24 Members, representing the 24 Electoral Divisions of the Legislative Council of late Canada East, appointed for life, unless tenure be altered by Local Legislature, 72. Qualifications, 73. Vacancies, 74, 75. Questions thereon, 76. Speaker—*See* Speakers. Quorum, 10, including the Speaker, 78. 3rd. The Legislative Assembly, composed of 65 Members, representing same Electoral Districts as for Commons, subject to be altered by Legislature, but with certain restrictions regarding the 12 English Electoral Districts, 80.—*See* Argenteuil.

Legislature to be called together from time to time, 82. At least once within twelve months, 86. Officeholders ineligible, save Ministers, and others, 83.

—*Duration of Assemblies*, 4 years, unless dissolved, 85. Provisions respecting Commons, in regard to Speaker, Quorum and mode of voting, apply to Assembly, 87. Also provisions in regard to Appropriation and Tax Bills, 90. *All Courts, Commissions, Officers, &c.*, continued after Union, 149. Constitution may be changed by Legislature, but not with regard to Office of Lieutenant Governor, 92 (1), though his prerogatives (not derived from Imperial Acts) may be altered or abolished, 65.

Quebec Fire Loan Fund—Joint property of Ontario and Quebec, 113. *See* 4th Schedule.

Quebec Turnpike Trust—Joint property of Ontario and Quebec, 113.

Queen, Her Majesty the—Her powers extend to Her successors, Sovereigns of Great Britain, 2. Invested with the Executive Authority, 9, and Command in Chief of all Forces, 15. Head of Parliament of Canada, 17.

Queen's Privy Council for Canada—Members are appointed, sworn and removed by Governor General, 11.

Questions—In Senate decided by majority of voices, Speaker always voting: when voices are equal the question is negatived, 36. The above apply to the Legislative Council, Quebec, 79. In Commons, 49. In Assemblies, 87. Questions are decided by majority of voices, Speaker only voting when voices are equal, *Ibid.*

Q

- Quorum*—In Senate, 15 ; including Speaker, 35.
- In Legislative Council, 10 ; including Speaker, 78.
- In Commons, 20 ; including Speaker, 48.
- In Assemblies, Ontario and Quebec, 20 ; including Speaker, 87.

R

- Railways*—When connecting a Province with any other, or extending beyond the limits of a Province, under exclusive control of General Government, 92 (10).
- Railways and Railway Stocks, Mortgages, &c.*—The property of Canada, 108. *See* 3rd Schedule (6.)
- Readjustment of Debts and Allowances to Provinces*, by Canada Acts 32 and 33 Vic., c. 2 ; 36 Vic., c.c. 30, and 41.—*See* Allowances to Provinces.
- Representation*, after each decennial census, 51. In the proportion that the population of Quebec will bear to number 65, 51.
- The Members representing a Province shall not be diminished unless its population shall have decreased *one-twentieth* in the aggregate of the population of Canada, 51 (4).
- Recommendation of Money Votes*—By Governor General (or by Lieutenant Governor, 90), during same Session required, 54.
- Reduction*—Of Senate to normal number, 21, 147.
- Of Representatives of a Province—*See* Readjustment.
- Remedial Laws*—By Parliament in regard to Dissident Schools, when a Legislature neglects the decisions of the Governor General in Council, 93.—*See* Education.
- Removal of Lieutenant Governors*—By Governor General, 59.

R

Representation of Provinces—In Senate, 22—In Commons, 51.—*See* Readjustment.

Reserved Bills—Not to become Law, unless Royal Assent be communicated within two years by Speech, Message or Proclamation, 57.

Resignations—Of Senators, 30. Of Legislative Councillors, 74. Of Members of Commons, 41. Of Members of the Assemblies of Ontario and Quebec, 84.

Returning Officers, 42.

Revenue, Debts, Assets and Taxation—All matters relating thereto to be found in section 102 to 126 inclusive.

Rivers and Lake Improvements—The property of General Government, 108.—*See* 3rd Schedule, (5).

Roman Catholic Schools, 93.—*See* Education.

Royal Assent to Bills, &c.—Passed by both Houses, may be given or withheld by the Governor General, 55. Or by the Lieutenant Governor, 90. Or the Bill may be reserved, 55.

—Copies of all Bills assented to, are transmitted to the Colonial Secretary, and may be disallowed within two years, 56.

—A Provincial Act must be disallowed within one year, 90.

Royal Institution—Joint property of Ontario and Quebec, 113.—*See* 4th Schedule.

Royalties, Mines, Minerals and Sums due for the same—Belong to the respective Provinces, 109.

Rupert's Land—May be admitted into the Union, on Address from the Houses of Parliament of Canada, 146.—*See* Manitoba.

S

Sable Island, Beacons, &c.—Under exclusive control of General Government, 91 (9).

S

Savings Banks—Under exclusive control of General Government, 91 (16).

Salaries:

—*Of Governor General*, £10,000 stg., forms 3rd charge on Consolidated Revenue Fund of Canada; may be altered by Parliament, 105.

—*Of Lieutenant Governors*, are fixed and provided by Parliament, 60.

—*Of Judges*, are fixed and provided by Parliament, 100.

—*Of Civil and other Officers of Government of Canada*, under exclusive control of General Government, 91 (8).

—*Of Provincial Officers*—Under exclusive control of Legislatures, 92 (4).

Saloon and Shop Licenses—*See Licenses.*

Schedules:—

—1st. Electoral Districts of Ontario, 40, 70. 2nd. Twelve Electoral Districts of Quebec, not to be altered unless a majority of the Members representing the same, vote for the Bill, 80. 3rd. Provincial Works and Property, being the property of Canada, 108. 4th. Assets, being the property of Ontario and Quebec, 113. 5th. Oath of Allegiance and Declaration of Qualification, 128.

Schools and Education, 93—*See Education.*

Seals of the Provinces—*See Great Seals.*

Sea Coast and Inland Fisheries—Under exclusive control of General Government, 91 (12).

Senate or Upper House—A Branch of the Parliament of Canada, 17. Consists of 72 Members, styled Senators, 21. For the apportionment of Senators, the Dominion is subdivided into 3 Divisions: 1st. Ontario—2nd. Quebec, each sending 24 Members—3rd. Nova Scotia and New Brunswick, each sending 12 Members, 22. The Governor General appoints Members, 24, and fills vacancies, 32.

S

Senate or Upper House—Continued.

The Queen, on the recommendation of the Governor General, may name in each of the 3 Divisions, one or two additional Members, 26, making in all 78, which number cannot be exceeded, 28, except on admission of Newfoundland, 147—*See* Manitoba—British Columbia.

—After the appointment of 3 or 6 additional Members, and until the Senate is again reduced to its normal number (72), vacancies are not filled by the Governor General, but by the Queen, on his recommendation, 27. The Senate determines all Questions of Qualification and Vacancy, 33.—*See* Rule 10. All questions are decided by a majority of voices, the Speaker always voting, and when the voices are equal the question is negatived, 36.

Senators—Are appointed for Life, 29. Their normal number is 72, 21. Quebec Senators must represent one of the 24 Electoral Divisions specified in Schedule A, to chapter 1 of Consolidated Statutes of late Province, and reside, or have their property qualification therein, 22. Qualifications, 23. Every Senator must reside in the Province for which he is appointed, 23 (5). Mode of summoning, 24. Senators ineligible for Commons, 30. They are sworn in and take and subscribe a declaration of Qualification before taking their Seats, 128. *See* Resignations.

Shefford and Sherbrooke (Town of)—*See* Argenteuil.

Shipping and Navigation—Under exclusive control of General Government, 91 (10).

Signification of Royal Pleasure to Bills, 55, 56.

Sittings of Parliament and Legislatures—*See* Meeting of.

Solicitor General, Quebec—*See* Attorney General.

Speakers:

—Of *Senate*, appointed and removed by Governor General, 34. Has a voice in all cases, and when voices are equal the Question is negatived, 36.

—*House of Commons*, chosen from and elected by its Members, 44. In case of vacancy another is elected, 45. He presides at all meetings of the House, 46. When absent for more than 48

S

Speakers—Continued.

hours, another is elected *pro. tem*, 47. By Canada Act, 31 Vic., c. 2, Speaker may call on a member to take the Chair—Has a vote only when voices are equal, 49.

—The above provisions apply to Speakers of Ontario and Quebec Assemblies, 87.

—*Of Legislative Council, Quebec*, appointed, sworn and removed by Lieutenant Governor, 77. Has a vote in all cases, and when voices are equal the question is negatived, 79. May be a Member of Executive Council, 63.

Stanstead—See Argenteuil.

Steamboats, Dredges and Public Vessels—The property of General Government, 108. *See* 3rd Schedule (4).

Steamers and other Ships (lines of)—Under exclusive control of General Government, 92 (10).—*See* Works, Local, and Undertakings.

Stocks, Cash, Bankers' Balances and Securities of Provinces, with the exceptions contained in Union Act, are the property of Canada, and taken in reduction of the respective Public Debts of the Provinces, 107.

Substitution of Names—Of Governor General for Queen; of Lieutenant Governor for Governor General; of one for two years, 90.

Sums paid yearly by Canada to Provinces, 118.—*See* Allowances to Provinces.

—Additional sum to New Brunswick, 119.—*See* New Brunswick.

Superior Education, L.C.—*See* Education.

Supplies and Ways and Means—*See* Money Bills.

Summoning of House of Commons, from time to time, by Governor General, 38. At least once every twelve months, 20.

T

Tavern Licenses—See Licenses.

Tax and Appropriation Bills—Originate in Commons, 53; or in Assemblies, 90. And must be recommended by Governor General during same Session, 54; or by Lieutenant Governor, 90.

Taxation—Raising money by any mode of taxation belongs exclusively to General Government, 91 (3.)

———*Direct Taxation*, within each Province, for raising a Local Revenue, is the exclusive privilege of each Province, 92 (2.)

Telegraphs—When under exclusive control of General Government, 92 (10a).—See Works, Local, and Undertakings.

Trade and Commerce—Under exclusive control of General Government, 91 (2).

Townships—May be constituted in Quebec, 144.

Transfer of Stocks, Cash, Bankers' Balances of Provinces to Canada, in reduction of Public Debts, 107.

Treaty Obligations—The Parliament and General Government have all the necessary powers for performing the Obligations of Canada and the Provinces towards Foreign Countries under Imperial Treaties, 132.

Uniformity of Laws—Of Ontario and Maritime Provinces may be effected by Parliament, but must be sanctioned by Provinces, 94.

Union, Federal—Proclaimed on 1st July, 1867.

Union Act—Its provisions take effect on, or after Union, unless otherwise expressed or implied in the Act, 4.—Amended by Imperial Acts 34 & 35 Vic., c. 28, and 38 & 39 Vic., c. 38.—See Parliament of Canada.

University Permanent Fund—Joint property of Ontario and Quebec, 113.—See 4th Schedule.

U

Upper Canada—Used in Deeds, &c., after Union, will not vitiate them, 138.

Use of English and French Languages in Houses of Parliament and Quebec, 133.—*See* French Language.

Vacancies—In Legislative Council, Quebec, filled by Lieutenant Governor, 75.

—In Office of Speaker, Ontario and Quebec, filled as directed for Commons in 45th Section, 87.

—Of seats of Senators by resignation, 30. In other cases, 31. Filled by Governor General, 32. Or by Her Majesty, 26. (*See* Rule 10.)

Voting in Senate, 36 ; in Commons, 49 ; in Legislative Council, Quebec, 79. In Assemblies, Ontario and Quebec, 79, 49.

Weights and Measures—Under exclusive control of General Government, 91 (17).

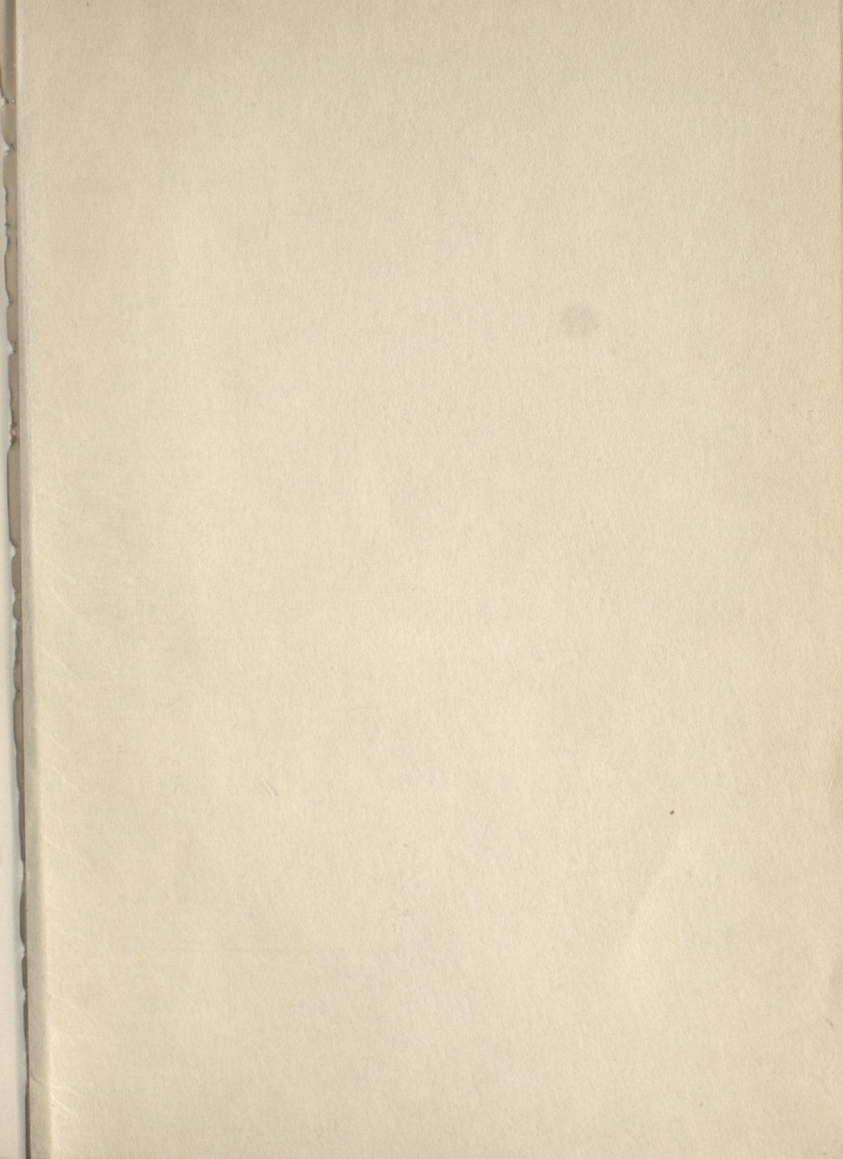
Witnesses at the Bar of the Senate and before Committees.—*See* Oaths.

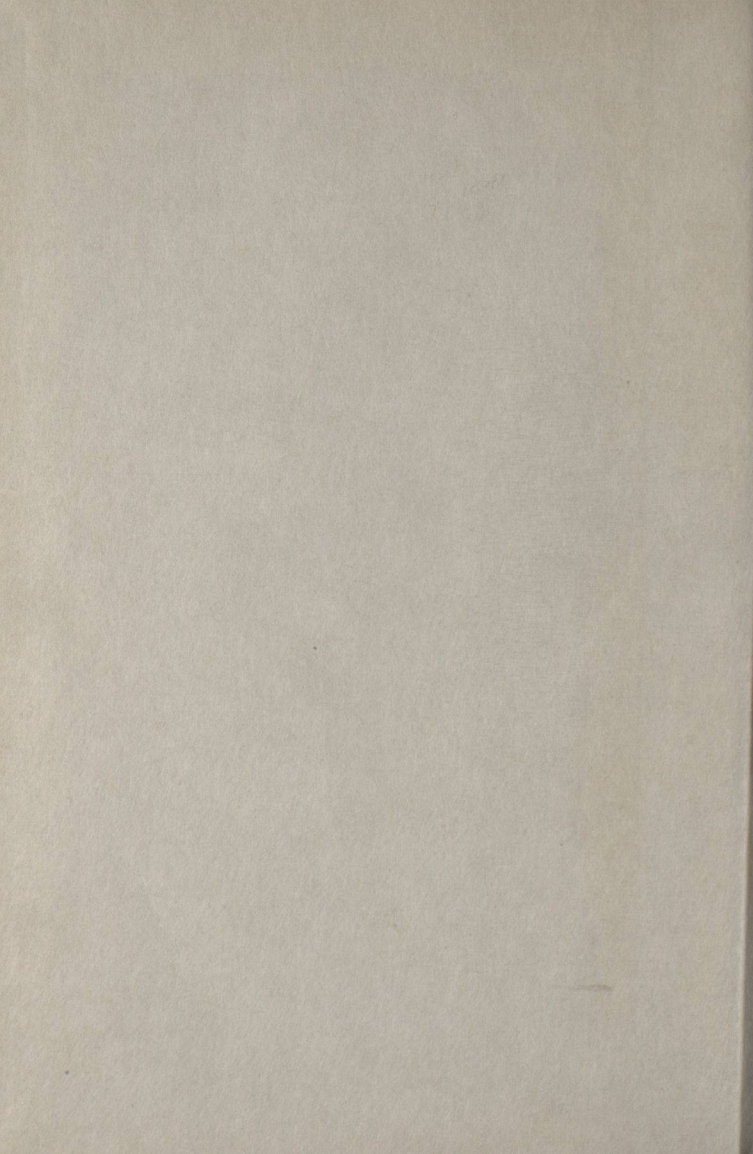
Works, Public—*See* Public Works.

Works, Local, and Undertakings in Provinces—Under their exclusive control, *except* lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works connecting a Province with any other of the Provinces, or extending beyond the limits of a Province, or situate within a Province, but declared by Parliament to be of public utility, 92 (10a).

Wolfe and Richmond—*See* Argenteuil.

Writs of Elections, 89.





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