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MANUAL OR EXPLANATORY DEVELOPMENT

OF THE ACT FOR THE UNION OF

CANADA, NOVA SCOTIA AND NEW BRUNSWICK,

IN ONE DOMINION UNDER THE NAME OF

CANADA,

SYNTHETICAL AND ANALYTICAL:

WITH

THE TEXT OF THE ACT ETC.,

AND

INDEX TO THE ACT AND THE TREATISES.

BY JOHN GOOCH.

OTTAWA:

PRINTED BY G. E. DESBARATS.

1867.

Entered, according to the Act of the Provincial Parliament, in the year one thousand eight hundred and sixty-seven, by JOHN GOOCH, in the Office of the Registrar of Canada.

TO:

THE HONORABLE SIR JOHN ALEXANDER MACDONALD, K. C. B.,

—PREMIER OF THE FIRST ADMINISTRATION OF THE DOMINION OF CANADA,

LATE CHAIRMAN OF THE DELEGATES FOR THE UNION OF THE PROVINCES IN LONDON,

AND AS BEING

THE FIRST AMONG THE ABLE AND DEVOTED PUBLIC MEN TO WHOM CANADA OWES

“THE BRITISH NORTH AMERICA ACT, 1867,”

THIS WORK IS RESPECTFULLY DEDICATED BY HIS VERY OBEDIENT SERVANT,

JOHN GOOCH.

PREFACE.

The purpose of this book is to exhaust and make obvious the sense of every section and item of the Act of the Constitution of Canada. It is hoped care enough has been taken to leave out, if anything, no particular of any importance.

In the composition of the Act itself it was most highly important to provide for whatever was exigent or eligible to be done, to give in the best way:—effect to the Union, and to insure a proper order of change from the foregoing to the incoming ways and constitutions of Government. Composed, as it was, with exact care—not to fail in this critical undertaking—it may seem near, at least, to repeat itself: say it but seems.

The Synthetical Explanatory Treatise, founded on it, will alike seem to be self-repeating, and perhaps is. The writer, who did not choose this, would rather it so happened, though, than that it should be found omissive.

The Analytical Index given, inevitably repeats much of the contents of the Synthetical; but it is produced, not so much for further information in the meaning of the Act, as to offer an alternative opportunity to the enquirer. This index may be more easily consulted on a particular exigency. The Synthetical Development, for acquaintance with the Act in its whole design or that of its principal members; withal inadvertancies there will be;—may the reader be courteous

The change in the Constitution of the Government now made in these British Colonies—adapted to them as an United Dominion, although they retain still for their separate uses subsidiary governments—gives an occasion for the present work.

For one and all of these Provinces the information to be given

herein, is needed, at least by the class of persons concerned or taking an interest in their Governments.

Members of Provincial Governments or Legislatures will see how to distinguish in the partition now made of the functions of Government: will see what share of them is parted with to the Government of the Dominion, and what share of them remains to the Governments at home.

But specially the Representatives of the Provinces in the Senate and House of Commons of the New Dominion should be assisted by such a manual.

Apart from the sentiment (more faint or more fervent as it might be,) of the unity in one Empire of Great Britain and Ireland and its dependencies, these Provinces have hitherto been virtually detached rather than united together, and the journals of all the Governments witness to their jarrings, their rivalries, and their contentions. How much prosperity has been lost meanwhile, (to which they could have helped one another,) because of collision! and what ~~positive damages have been~~ suffered by each of the little Commonwealths in collision!

But now, if mutuality of the United Provinces cannot indemnify for the past, most certainly it can and will confer great advantages: if, as inaugurated by the Constitution to be described, this is received as a vital reigning principle by those who are called to govern and legislate, and this principle will not, cannot be wanting with the public; or the governing class will be more public spirited than the class governed—though it by no means follows that they be less so.

Let Mutuality be a principle to dominate supremely the Government and Parliament of the Dominion, and let not the subsidiary Provincial Governments and Legislatures be, in anywise, estranged from, though not so familiar with it.

MANUAL
OF THE
CONSTITUTION OF THE DOMINION OF CANADA,
IN THE ORDER OF ITS DEVELOPMENT,
OR
THE CONFEDERATION OF THE PROVINCES OF CANADA—
NOVA SCOTIA AND NEW BRUNSWICK,
ACCORDING TO
THE BRITISH NORTH AMERICA ACT, 1867.
(Synthetical and Analytical.)

PRELIMINARY NOTICES.

HISTORICAL NOTES.

As to the policy of Unity or Confederacy of the Provinces of British North America, it is a subject of distant and extensive history, if fully treated on.

Here only will be stated what relates to the form of its consummation in hand.

This Constitution of Canada, by reason of its enactment as an Act of Parliament of the United Kingdom, is integrated as a Branch of the ancient sovereign Constitution of that Empire, *i. e.*, the mother trunk projects in the direction of these colonies an arm of its strength—and may it prove our strong arm also, please God.

It is truly, in its idea, first, of our projection. Our several provinces felt, at least, their inaptitude for common effort and common progress while governed asunder from each other.

And the time had come—and its signs so forcibly made it known that it had come—when to combine, take common counsel and to co-operate for an uniform general welfare, was urgent.

The provinces held communication with each other—the more important Province of Canada opening a well-advised correspondence with the lower provinces.

Delegates of all the provinces explained in a common session at Quebec, and it followed that they resolved unanimously on what terms the provinces might pass into Confederation. This inclination of the provinces was fostered by the British State.

The plan of an United Dominion, as then agreed on was not final, but was fruitful undoubtedly. The final plan, as emanating from the provinces, was agreed on by their delegates—generally the same persons as at Quebec—commissioners now to London, there to negotiate with each other, and if they in concert could compose an eligible plan, to present it in behalf of their provinces to the British Government.

The plan presented by the delegates was welcome received by the British Government as the wise, genial and loyal design of the political communities of these provinces.

After the Queen's government had exercised its right of supervision, the plan was, by the ministry, proposed to the British Parliament, and therein affirmed and empowered as the form the British Constitution should take in the Dominion of Canada,—now set up in British North America.

SKETCH OF THE FORM OF THE BRITISH GOVERNMENT.

The action of the Government of the Empire, as shown in the initiation, the progress and the enactment of the "Act of British North America, 1867," exemplifying as far as it does the order and process of Government according to the established British Constitution, will assist us to know that Constitution, which it is necessary to describe; as the provinces sought the Metropolitan state to grant them "a constitution similar in principle to that of the United Kingdom;" which it will be found, is conferred by the Act of British North America.

It may be said to be constituted 1st of The Regality—the first the unitive and the last power indicated. II. But this Royal power is not, nor has its virtue alone, it is collated with and active in virtue of the advice and consent of the Privy Council of the

Crown, otherwise the Cabinet, the Ministry of the day—the great Officers of the Executive Government. III. The Royal Power, as operative in and by and through the Privy Council, is to be concurrent with or sanctioned by the authority of Parliament, and all lawful powers, means and offices thought to be requisite for the good of the Realm, are to be obtained from the Parliament of the three Estates duly summoned by the Crown.

Of these Estates the Crown has special command in the departments of the Church the Army and Navy. The third estate—the Commons has special command of the Finances, the ways and means. The Ministry of the day, take a leading part in the ordering and conducting of Parliaments, to which they are accountable for their administration, severally, for the departments of government held by them.

DISSIMILARITY OF THE CONSTITUTION OF CANADA.

Our Constitution of the Dominion of Canada under one Queen, represented by one Governor General, is Federal as well as Central, while that of the United Kingdom, and to which it is made "similar," as far as may be, is wholly central. In the Dominion the task of government is divided, and the instruments, separate for the separate parts, while yet all, are to be concordant in action, as a common effect is intended. The Central Government bears respect to the general welfare; the particular Governments bear respect to the welfare of their particular communities, as compatible with the general welfare. Also, the constitution makes no provisions for a Church.

A SYNTHETICAL SUMMARY OF "THE BRITISH NORTH AMERICA ACT, 1867."

PRACTICAL DEVELOPMENT OF THE ACT.

Its date is the 29th March, 1867. Its preamble informs us, that 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 :—

That such a Union is favorable to the welfare of the provinces, and as well of the British Empire, that the British Parliament deem it expedient in establishing it, both to provide for the constitution of the Legislative Authority in the Dominion, and to declare the nature of the Executive Government therein. :—

That it is also expedient that provision be made for the eventual admission into the Union, of other parts of British North America.

The Acts proceeds—being classed under eleven heads :—

- I. Preliminary, secs. 1, 2.
- II. Union, secs. 3-8.
- III. Executive Power, secs. 9-16.
- IV. Legislative Power, secs. 17-57.
- V. Provincial Constitutions, secs. 58-90.
- VI. Distribution of Legislative Powers, secs. 91-95.
- VII. Judicature, secs. 96-101.
- VIII. Revenue, Debts, Assets, Taxation, secs. 102-126.
- IX. Miscellaneous Provisions, secs. 127-144.
- X. Intercolonial Railway, sec. 145.
- XI. Admission of other Colonies, secs. 146-147.

Five Schedules are annexed on the subjects :

- 1st Schedule, (A.) Existing Electoral Divisions of Ontario ;
(B.) New Electoral Divisions.
- 2nd Schedule. Electoral Divisions of Quebec, specially fixed.
- 3rd Schedule. Provincial Public Works and property ; to be the property of Canada.

4th Schedule. Assets to be the property of Ontario and Quebec conjointly.

5th. Schedule. Oath of Allegiance—Declaration of Qualification. (*Forms to be used as the Act directs.*)

A further supplement to the Act is another Act, (Cap XVI.,) 12th of April, 1867, for "Authorizing a Guarantee of Interest on a Loan to be raised by Canada," on account of the Intercolonial Railway.

EXPLANATIONS NECESSARY FOR THE INTERPRETATION OF THIS
ACT CONTAINED IN THE ACT.

Sec. 1. This Act may be cited as the British North America Act, 1867.

Sec. 2. The provisions of this Act referring to Her Majesty extend also to the heirs and successors of Her Majesty.

Sec. 4. The name Canada shall be taken to mean Canada as constituted under this Act.

Sec. 13. Provisions 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 of Canada.

PART I.

AS APPLICABLE TO THE DOMINION.

The full title of this Act, viz., an Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected therewith:—tells what the Act provides, viz., how the Union shall take place effectually, *i. e.*

The Queen by and with the advice of Her Privy Council declares by proclamation, that on and after a day therein appointed, the Provinces concerned shall form and be one Dominion under the name of Canada. [The Royal Proclamation to have such an effect was issued on 22nd May, and took effect on July 1st, 1867.] See *Appendix A.*

That Civil Rule should know no suspension in any of the Provinces:—

Sec. 129 provides that all laws in force, also all Courts of Civil and Criminal Jurisdiction, and all legal commissions, powers and authorities Judicial, Administrative and Ministerial shall continue (for this purpose) in the Provinces respectively, as if the Union had not been made, subject nevertheless to be repealed or altered by the Parliament of Canada; or by the Legislatures of the Provinces, according to this Act (with exception of such as exist by Acts of British Parliament.)

Sec. 130 enacts, that until the Parliament of Canada otherwise provides, “All officers of the several provinces having duties to discharge in relation to matters, other than those 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, &c.

No enlargement of powers or extension of limits in which they may be exercised, is made, only they are placed in relation to the New superior power of the Dominion.

The new Constitution of the Dominion of Canada, and the Constitutions,—as they may be retained, renewed or made anew for the Provinces, respectively, provide that, as one Dominion it be governed in unity, on a “similar principle” with the Metropolitan state under the Constitution of the United Kingdom. The power of the same Crown applies as a principle of unity; from first to last the Government of Canada is ordered and carried on in the name and behalf of the Sovereign.

Sec. 9. The Executive Government and Authority is to continue and be vested in the Queen.

Sec. 15. The command-in-chief of the militia and all naval and military forces of and in Canada, is to continue and be vested in the Queen, [and of this command this Constitution takes no further cognizance.]

Sec. 10. The Governor General by the provisions of this Act, being, and carrying on the Government of Canada on the behalf and in the name of the Queen:—

Sec. 11. There shall be a council to aid and advise in the Government, to be styled the Queen’s Privy Council for Canada. Persons who are to be members of that Council shall be, from time to time, chosen, &c., by the Governor General, and sworn in. And members thereof may be, from time to time, removed by the Governor General.

It is known that the “Queen’s Privy Council,” either in Great Britain and Ireland; or in Canada (as noticed in this Act,) are identical with the Ministry of the United Kingdom, or of the Dominion, respectively, occupying the principal places in the Executive Government—it is by distinct summons and oath of duty they are inducted to the Privy Council.

From the style they bear—unknown before in the Provinces—it may be thought that their independence of superior authority here, and their valid competency in questions or matters in which Canada is interested, when such are under consideration of the Metropolitan Government—to advise the Queen at home, in concert

with Her Privy Council for the Empire, are to be ascertained in some degree hereby.

As members of the Council and heads of the Departments of Government of Canada, the Governor General, from time to time, chooses or removes them. In this case and some others he exerts his authority alone. In the general order of his Government he exerts it, in Council or in Parliament, as representative of the Crown.

Sec. 130. Among the principal officers of the Provincial Governments now confederated, as in and of the Dominion, will the Governor General choose the Queen's Privy Council of Canada:—

And the members of the Privy Council, one or the other of them, will severally fill, as they shall have agreed on, what provincial offices are necessary and eligible for the executive government.

Provincial Governor's powers, held immediately from the Crown, cease on the advent of the Dominion. By Sec. 12, all powers, authorities and functions of this class of officers at the time of the Union, shall, as far as may be, after the Union be vested in and exercised by the Governor General in conjunction with the Queen's Privy Council, or by the Governor General individually. This section serves preparatorily to a new delivery of powers, authorities and functions. The Governor General now makes appointments of Provincial Governors bearing immediate responsibility to him, as Sec. 14 authorizes him, from time to time, to appoint any person or any persons to be his Deputy or Deputies within any part or parts of Canada, to exercise such of the powers, &c., &c., of the Governor General as he shall assign to him or them. The Governor General, meanwhile, shall not be affected to the loss of any powers, &c., belonging to him.

In the Government of the Dominion they are the Governor General's Deputies, (Sec. 14,) while he is subject meanwhile to be limited and directed by the Crown in giving his commission to Deputy or Deputies.

The arrangement of the Provinces in the Union.

Secs. 5, 6, 7. Early provisions of the British North America Act, set forth the form, in which the Provinces are to make their

Confederation. (7.) The Maritime Provinces continue with limits unchanged; and their Constitutions and Governments existing, are only altered so far as to conform them to the provisions of this Act. Even the House of Assembly of New Brunswick may last for the term of its election. The Province of Canada is disparted, as it was before known to be; the Province of Upper Canada is now constituted and styled—Ontario, and the Province of Lower Canada is constituted and styled—Quebec.

The Constitution of the Province of Canada being broken up, and the immediate devolution of all powers, authorities and functions of its Chief executive officer being at the union vested in the Governor General of the Province—the same as far as they are capable of being exercised after the Union, in relation to the Governments of Ontario and Quebec, respectively—are to pass from the Governor General of the Dominion to the Lieutenant Governors of these provinces for their exercise, respectively, in Council or individually.

Sec. 5. Hereby the new Dominion is divided into four parts, viz., Ontario, Quebec, Nova Scotia and New Brunswick.

Sec. 25. Preliminary to the general execution of this Act, Senators are, in the first instance, summoned by the Queen's authority, according to the Divisions of Canada, made in relation thereto, and their names are inserted in the Queen's proclamation of Union. (*See Appendix A.*)

Sec. 127. If 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 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.

Sec. 17. There shall be a Parliament for Canada, consisting of the Queen, the Senate and the House of Commons. The Governor General, according to his commission, being the representative of the Sovereign.

Sec. 55. A bill passed by the Houses of Parliament and presented to the Governor General for the Queen's assent, he shall declare either, that he withholds that assent, or shall assent to it in

the Queen's name :—if so, (sec. 56) he shall send as soon as convenient, a copy of the Act to one of Her Majesty's Principal Secretaries of State ; and if the Queen in Council, within two years after its receipt, disallows the Act, such disallowance, with certificate of the day of its receipt, (communicated to the Governor General,) being signified by the Governor General to each of the Houses of Parliament ; or, if they are not in session, being signified by Proclamation, shall annul the Act, from and after the same day. Sec. 57. But a bill reserved for the Queen's pleasure—as the Governor General according to his discretion, may reserve a bill—shall not have any force, unless and until two years from the day on which it was presented to the Governor General, he signifies, in either way above mentioned, that it has received the assent of the Queen in Council. An entry of every such communication of the Governor General shall be made in the Journals of each House, and a duplicate thereof shall be delivered to the proper officer, to be kept among the Records of Canada.

Sec. 132. The Parliament and Government hereby, are declared to have all powers necessary and proper for performing the obligations of Canada, as part of the British Empire, towards Foreign countries in satisfaction of Treaties made.

Intercolonial Railway.—Engagements of the Government and Parliament of Canada, for its execution.

Sec. 145. The Provinces of Canada, Nova Scotia and New Brunswick have joined in a declaration that the construction of such a railway, is essential to the consolidation of the Union of British North America, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada.

The British Act of Parliament, "The Canada Railway Loan Act, 1867," or "An Act for authorizing a guarantee of interest on a Loan to be raised by Canada towards the construction of a Railway, connecting Quebec and Halifax, dated 12th April, 1867, connected with the Act of British North America, 1867 ;—This Act shews how far the provinces distinctly named above had agreed, in the view of the essential importance of the work,

and the view of the best means of early effecting it ; and shews further the concurrence of the British State, in like views of its importance :—and its actual help towards its obtainment, is engaged by representations made from the Provinces. The Imperial Act says of such a line of Railway, it “ would conduce to the welfare of Canada and promote the interest of the British Empire,” and so far it hastens the action of the Government of the Union, that the benefit of this Act of Guarantee is lost “ unless within two years after the Union, an Act of the Parliament of Canada has been passed, &c.” More prompt for the construction thereof, the Act of British North America in this section, prescribes as the duty of the Government and Parliament of Canada, within six months after the Union, to provide for the commencement of a Railway, connecting the River St. Lawrence with the city of Halifax, and for the speedy construction thereof without intermission, to its completion. Not less for Canada, it may be said, than for the interest of the British Empire, the British Act of Parliament for guarantee, &c., stipulates “ For the use of the Railway at all times for Her Majesty’s military and other service,” and also the guarantee takes no effect “ unless and until the line in which the Railway is to be constructed has been approved by one of Her Majesty’s Principal Secretaries of State.”

Parliament, its Form, Order, Powers.

Sec. 17. The Parliament of the Dominion of Canada is to consist of the Queen, an Upper house called the Senate, and the House of Commons.

The virtual connection of the Queen, or Regality of the Empire, with the Parliament of Canada, is the same, as that borne in the Parliament of the United Kingdom, the Governor General appearing for Her, according to his commission.

Secs. 19, 38. The Sovereign (representatively) meets with the Senate and House of Commons, from time to time, in the Parliament of the Dominion,—the Parliament is to be summoned within six months after the Union, and (sec. 20) there shall be no interval of twelve months between its last sitting in one session, and its first sitting in the next.

Sec. 18. The privileges, immunities and powers to be held, &c., by the Senate and by the House of Commons, and by the members thereof, respectively, shall be defined by Act of Parliament of Canada, but shall never exceed those held by the Commons House of Parliament of the United Kingdom.

Such privileges, &c., are unequal of the Houses of Parliament of the United Kingdom, and each House defines its own. The difference in respect of the Parliament of Canada is at once made known, for—the combined powers of Parliament enact them, and with equality of privileges of the two Houses, very likely.

Sec. 133. Either the English or French language may be used in the debates of Parliament, and both these languages shall be used in the Records and Journals of the Houses:—the Acts of Parliament of Canada and of the Legislature of Quebec shall be printed and published in both.

The Senate.

Sec. 21. The Senate whose first members, as already recited, were immediately chosen by the Queen's authority, is of seventy-two persons, chosen in divisions of twenty-four each: 1st for Ontario, 2nd for Quebec, 3rd for the Maritime Provinces, (at this time consisting only of Nova Scotia and New Brunswick.) In the third division,—Nova Scotia and New Brunswick return each, twelve, but so many, only, while Prince Edward Island is not, as it may be, admitted. (Sec. 147.) There is to be no set increase in the whole number of the Senate—yet, Prince Edward Island is to have four senators awarded in its regard, on its admission into the Union; but the representation of Nova Scotia and New Brunswick shall, as vacancies occur, be reduced from twelve to ten members, respectively.

But if Prince Edward is not, and Newfoundland (whose admission is equally provided for,) is admitted, although the number of senators assigned for Newfoundland, is the same as for Prince Edward Island, its admission will cause no reduction to Nova Scotia and New Brunswick, but will make an increase in so many members of the senate.

In case of Quebec, each of the twenty-four senators shall be appointed for one of the electoral divisions of Lower Canada,

(pointed out,) and shall be eligible also [23 (6),] by the qualification of his real property, or of his residence therein. Residence is only made generally to apply, in the other Provinces.

Sec. 23. (1) A senator shall be of the full age of thirty years.

Sec. 23. (2) He shall be a subject born, or naturalized, of the Queen.

Sec. 23. (3) Shall be seized of freehold or other described landed property of the value of \$4000 above all rents, dues, &c., &c., as due or payable out of the same. Before taking his seat he shall take, &c., the oath of allegiance, and make the declaration of qualification, in the forms prescribed in the fifth schedule to the due Official.

But Sec. 23-4 is expletive of the foregoing enactment, saying, "his real and personal property shall be together worth \$4000, over and above his debts and liabilities."

Not that it may be thought that it matters not how little, freehold property, or other real property, he is in possession of, for it seems to be meant, that he must have a title to real property of the given value of \$4000. Yet notwithstanding his title—it may be encumbered by mortgages, charges, debts, &c., to such an extent that its clear value left in his possession and rightfully his, while it is so encumbered, is not of the amount of \$4000, then his personal property may be fairly appraised, and if it is found of an amount equal to the casual deficiency of his real property and that it will make together with his real property, a value of \$4000, he is qualified. He shall be a Resident of the province he represents.

Sec. 23-5. The Senate or Upper House, it would appear, is provided for the Dominion, by the Constitution, for a semblance of the Upper House of the British Parliament, which is, it may be said, constituted, in most part, with respect to its Members' large proprietary of the soil. A form of Estate that gives more leisure, more genial and permanent, social and confidential connection with the community.

Sec. 29. In Canada, a Senator subject to the provisions of this Act, shall hold his place for life, but these are its provisions for his disqualification: Sec. 31. 1st. If he discontinues his attendance in

the Senate for two consecutive sessions of Parliament. 2nd. If he make his allegiance, due to a foreign power, or acquire the rights of subject or citizen, under a foreign power. 3rd. In case of his bankruptcy or insolvency. 4th. If he is attainted of treason, or convicted of felony, and if he fail to retain his qualifications in respect of property or residence. However, no disqualification for failure of residence elsewhere,—attaches to a senator holding an office under Government, and therefore residing at the seat of Government for the discharge of it.

Sec. 30. Also a senator may by writing under his hand, to the Governor General, resign his place in the Senate.

Sec. 33. If any question arises, respecting the qualification of a senator, or a vacancy in the Senate, the Senate shall hear and determine it.

Sec. 32. When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall summon a fit and proper person to fill it.

Sec. 26. If the Governor General at any time, shall see cause to recommend to the Queen, and the Queen thinks fit to direct increase of the Senate of three or six members, *i. e.*, one for each, or two for each of the divisions aforesaid, the Governor General may summon three or six qualified persons to add to the Senate

Sec. 28. The number of senators shall not at any time exceed seventy-eight, and in case any addition is made by three or six added to the seventy-two members authorized by sec. 21—the Governor General shall not summon any person to the Senate until, each of the three divisions of Canada is represented by twenty-four members and no more, except on a further direction from the Queen on the like recommendation of the Governor General. But in the case of the admission of Newfoundland into the Union,—entitled to a representation in the Senate of four members, (sec. 147,) the normal number of senators shall be seventy-six and the maximum number possible eighty-two.

Sec. 34. The Governor General may, from time to time, appoint under the Great Seal of Canada, a senator to be Speaker of the Senate. He may rule that one senator take the place of another, to fill that office.

Sec. 35. Fifteen senators, including the Speaker, are necessary

to constitute a meeting of the Senate, able to act; but this number is alterable by Parliament, if it is thought fit.

Sec. 36. The Speaker shall in all cases have a vote, and when the votes are equal,—the decision shall be deemed to be in the negative.

Sec. 39. A senator shall not be capable of being elected, or of sitting or voting, as a member of the House of Commons.

House of Commons.

Sec. 37. Shall consist of one hundred and eighty-one members, *i. e.*, eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

Sec. 51. Quebec being fixed at sixty-five members, a calculation is to be made on the completion of the census in 1871, and thenceforth every ten years in the same case on the returns of population obtained; *i. e.*, as in other provinces, compared with Quebec, which is to have constantly sixty-five members. As the population varies elsewhere, in proportion to that of Quebec from time to time, and is found to be less or more in regard of a whole number, (or what is to be deemed the same,) sufficient for the election of a member, it is entitled to increase of representation or disentitled to one or more of its present number of members, accordingly.

But if the population of any province, is not diminished one twentieth part or upwards, in relation to the aggregate population of Canada, (as shewn by the census last before taken,) the province, shall still return the same number of members.

The Parliament in being at the time of the census-taking, exists without change under this arrangement, to the end of its current term.

Sec. 50. Every House of Commons lasts for five years, if not dissolved by the Governor General.

Sec. 52. An increase of the Number of members of the House of Commons may be made from time to time by the Parliament of the Dominion, but it must be proportioned to the several provinces on the principles provided in this Act.

Sec. 38. The Governor General shall, from time to time, under the Great Seal of Canada, summon and call the House of Commons to session.

Sec. 42. For the first election of members to the House of Commons, the Governor General shall cause writs to be issued by such person, and to such returning officer, as he thinks fit.

The powers possessed by him for issuing writs under this section, are such as are possessed at the Union by the officers charged with such a service for the election of members to the House of Assembly or Legislative Assembly, as it may be, of the Provinces of Canada, Nova Scotia or New Brunswick.

Returning officers to whom writs are directed under this section, shall have like powers, as are possessed at the Union by officers charged with like service.

Sec. 43. Should a vacancy be, in the representation of any electoral district concerned, before provision is made by the parliament in this behalf, whether before or after the meeting of parliament, the provisions for a new election, are the same as now given.

Sec. 41. All laws in force at the Union, in the several Provinces respecting persons to be elected as members of the Lower Houses of Legislature respectively, viz., as to

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, and the periods for their continuance.

The trial of controverted elections and proceedings proper to them.

The vacating of seats of members, and—

The execution of new writs in this case, shall respectively apply to elections of members of the House of Commons for the same provinces.

An exceptional voter-qualification is provided for the district of Algoma, Province of Ontario, in which district "every male British subject of age, being a house-holder, shall have a vote until the Parliament of Canada otherwise provides."

Sec. 44. The House of Commons on its first assembling after a general election, shall promptly proceed to elect one of its members to be Speaker; and (sec. 45) in case a vacancy happens in the office, it shall proceed to elect another of its members to the office, or (sec. 47) in case of the absence of the Speaker from the

chair for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, who shall during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker. The Parliament of Canada, however, may otherwise provide in case of the Speaker's absence.

Sec. 46. Under this arrangement, the Speaker presides at all meetings of the House of Commons.

Sec. 48. Twenty members of the House, at least, shall be present, to constitute a meeting of the House for the exercise of its powers—the Speaker for that purpose shall be reckoned a member.

It is to be thought that the Speaker is necessarily to be counted one, of at least twenty members present, since whatever number of members are present without the Speaker, (if his absence should not yet have extended to forty-eight hours,) they cannot constitute a meeting to do business, for there can be no Speaker to preside (sec. 46) as is required.

Sec. 49. Questions arising in the House shall be decided by a majority of voices—other than that of the Speaker. This is first to be seen unattained, before he commits himself to vote, indeed, only “when the voices are equal” has he a vote to give, which in this case, of course makes a majority of votes for or against.

Sec. 53. The House of Commons has the first and chief power of taxation and of appropriation:—

Sec. 54. But not for appropriation to any purpose, that has not been first recommended by message from the Governor General in the same session, in which such vote, resolution, address or bill, for appropriation of any tax or impost has been adopted.

Sec. 91. The Parliament of Canada thus constituted, has powers, as the Exclusive legislative authority of Canada;—in all matters enumerated in twenty-nine classes given in this section, to make laws applicable to the same, for the peace, order and good government of Canada.

(The classes are further classified, possibly to some advantage.)

Public Finances and Accounts.

1. The public debt and property.
3. The raising of money by any mode or system of taxation.

4. The borrowing of money on the public credit.

The Medium of Circulation.

14. Currency and coinage.

15. Banking and incorporation of Banks and the issue of Paper money.

18. Bills of Exchange and promissory notes.

20. Legal tender.

Relative to the Public Service.

8. The fixing of salaries of officers of Government.

5. Postal service.

9. Beacons, buoys, light-houses, &c., Sable island.

13. Ferries between a province—and any British or foreign country, or between two provinces.

7. Militia, military and naval service and defence.

11. Quarantine—the establishment, &c., of Naval hospitals.

27. The Criminal law, excepting the constitution of Courts, but including the Procedure.

28. The establishment, &c., of Penitentiaries.

6. The Census and statistics.

Relative to Class Interests.

2. Regulations of trade and commerce.

10. Navigation and shipping.

12. Sea-coast and Inland Fisheries.

24. The Indians, and lands reserved for them.

Institutions for general use of persons concerned.

17. Weights and measures.

16. Savings banks.

19. Interest.

21. Bankruptcy and insolvency.

25. Naturalization and aliens.

26. Marriage and divorce.

22. Patents of invention and discovery.

23. Copyrights and

29. All classes of subjects that are expressly excepted in the

enumeration (see next sec. 92) 10 *a, b, c,*) of the classes assigned exclusively, to the Legislatures of the Provinces.

Item 13 (above) regarding Ferries has a larger sense than is first thought of. Item 10 in section 92, (the next) which concerns the exclusive powers of the Provincial Legislatures, expressly excepts from their authority, and therefore, according to item 29 in this sec., places under the Legislative authority of Canada, as follows :

(a) Lines of steamships, railways, canals, telegraphs, &c., not wholly within a particular province.

(b) Lines, &c., of ships between a province and any British or Foreign country.

(c) Such works, which if local in one province, the Parliament of Canada, declares to be for the general advantage.

Also provision is made that any matter coming within these classes, shall not be deemed to come within the classes of local and private matters, by this Act assigned to the Legislatures of the Provinces.

The Federality of Legislation of the Government of Canada, requires that the exclusive powers of the Provincial Legislatures appear in immediate correspondence with the foregoing declaration of the Powers of the Parliament of Canada. It follows in the Act Sec. 92, that in each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects forthwith enumerated. Sixteen classes are given ; which may further be classified, viz :

Relative to each Province in general.

1. The amendment from time to time, of the constitution of the province, except as regards the office of the Lieutenant Governor.

4. The establishment and tenure of provincial officers, their appointment and payment.

13. Property and civil rights in the province.

12. The Solemnization of Marriage in the province.

14. The administration of Justice in the province, including the constitution, &c., &c., of the provincial courts of civil and criminal jurisdiction ;—the procedure in the courts of civil jurisdiction.

15. Imposition of Punishment of various kinds for enforcing any law of the province.

6. The establishment, &c., &c., of public and reformatory prisons, in and for the province.

7. The establishment, &c., &c., of hospitals (other than Marine hospitals,) asylums, charities, &c., &c., in and for the province.

Relative to the Public Property and Public Taxes.

5. The management and sale of the provincial public lands and of the timber, &c., thereon.

3. The borrowing of money on the credit of the province.

2. Direct taxation within the province to raise a revenue for provincial purposes.

9. Refers to a current of revenue, divisible to provincial, local or municipal purposes, viz., shop, saloon, tavern, auctioneer and other licences.

Relative to particular places and undertakings therein.

8. Municipal Institutions.

10. Local works and undertakings.

11. The Incorporation of companies with provincial objects.

16. Generally all matters of a local or private nature.

Revenues, Debts, Assets, Taxation.

Sec. 108. The Dominion of Canada is estated, possessed and charged of, and with the Public Works and Property of each Province, as enumerated by the 3rd schedule to this Act, consisting of ten particulars: And by

Sec. 117. Has right to assume further any lands, or public property, required for fortifications, or for the defence of the country.

Sec. 107. All stocks, cash, Bankers' balances and securities, for money belonging to each Province, at the time of the Union, are taken to the credit of the Dominion:—but, in reduction of the respective debts of the Provinces at the Union. An exception of part, is made to each Province—(sec. 110.)

Sec. 102. All duties and revenues over which the respective Legislatures of Nova Scotia and New Brunswick before and at the Union, had and have the power of appropriation, 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. An exemption of part is made to the Legislature of each Province. Sec. 126.

Sec. 103. The first charge on the Consolidated Revenue Fund of Canada, shall be, the costs, charges and expenses incident to the collection, management and receipt thereof—permanently charged,—subject to be reviewed and audited, as shall be ordered by the Governor in Council, until the Parliament otherwise provide.

Sec. 104. The annual interest of the Public debts of all the several provinces at the time of the Union, shall form the second charge on the said Fund.

Sec. 105. The Salary (which shall be £10,000 sterling money of the United Kingdom) of the Governor General, shall form the third charge on the said Fund, unless altered by the Parliament of Canada.

Sec. 106. The said Consolidated Revenue Fund of Canada being previously subject to the several payments with which it is specifically charged, shall be appropriated by the Parliament of Canada for the public service.

Sec. 111. Canada shall be liable for the debts and liabilities, of each province;—existing at the Union:

Sec. 112. The debt of the Province of Canada at the Union, which province takes its place in the Union, as the Provinces of Ontario and Quebec, which are conjointly taken here, not exceeding at the time \$62,500,000. That of Nova Scotia at the Union, not exceeding at the time \$8,000,000. That of New Brunswick, not exceeding at the time \$7,000,000,—are all assumed for these provinces, by the Dominion, in these amounts, respectively, without charge of interest. But in case Ontario and Quebec conjointly, or Nova Scotia and New Brunswick respectively, exceed the allowed amount, of each at the union, every one for what exceeds shall be charged with interest at 5 per cent. per annum thereon. (Secs. 112, 114, 115.)

Secs. 120. All payments in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by the Dominion, shall be

made in such manner and form as ordered by the Governor General in Council.

Sec. 116. Nova Scotia and New Brunswick in case their public debt at the union do not amount to \$8,000,000 and \$7,000,000 respectively, shall respectively receive on the difference, between the actual and the allowed amount of their respective debts, half yearly payments of interest, at 5 per cent. per annum, from the government of Canada.

Sec. 118. The following sums, viz :

To the Province of Ontario.....	\$80,000
“ “ Quebec.....	70,000
“ “ Nova Scotia.....	60,000
“ “ New Brunswick....	50,000
	<hr/>
	\$260,000

shall be paid by Canada to the several provinces for the support of their Government, and an annual grant shall be made of 80c. per head of the population, ascertained by the census of 1861. And in the case of Nova Scotia and New Brunswick—until the population of each of those two provinces, amounts (as ascertained by subsequent decennial census) to 400,000 souls;—at which rate such grants shall hereafter remain, and shall be in full settlement of all future demands on Canada, and shall be paid half yearly in advance.

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 amount allowed to that province.

Sec. 119. A subsidy is provided for one province, viz : New Brunswick shall receive by half yearly payments, in advance, from Canada, (except as liable to a deduction as long as its public debt remains under \$7,000,000, equal to five per cent. per annum on such deficiency,) an additional allowance of \$63,000 per annum. Again, (Sec. 124,) it is thought just to secure that Province in the right to levy lumber dues, provided in C. XV. of Title III. of the Revised Statutes of New Brunswick, and while the right is not used, for increasing the amount of such dues, which can be levied only on its own lumber.

Sec. 109. All lands, mines, minerals and royalties belonging to Canada, Nova Scotia and New Brunswick, at the Union, and all sums then due or payable for such lands, &c., &c., 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 or interest existing in respect thereof, &c.

And subject (sec. 117) to the right of Canada to assume any lands, &c., required for fortification or defence.

Sec. 126. Such portions of the duties and revenues of Canada, Nova Scotia and New Brunswick, as are reserved to them by this Act, (sec. 92)—with all revenue arising from direct taxation, &c., in accordance with the powers conferred on them by this Act, shall, in each province, form One Consolidated fund, for the public service of the province.

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. There are twenty-one distinct assets in this schedule, generally adapted to the peculiar use or benefit of one Province or the other, yet are they consigned to them conjointly.

Sec. 94. Uniformity of Law and of the Procedure of Courts, and (sec. 101,) a General Court of Appeal, which will be conducive to uniformity, are proposed by this Act, and await only the convenient time of Government and Parliament to be effected and established in the Dominion, with a concurrent enactment of the Provincial Legislatures.

The extension, proper to this improvement in the state of the laws, and the rules of practice, in the several provincial courts, is not inclusive of those of one province. Uniformity in these matters, of law and its administration, is only just and proper in the provinces that severally drew and passed their laws at first, and the general series of them, from time to time, and also their rules of practice of courts, from and according to a common exemplar, which is their Parent-metropolitan State.

Three only of the provinces, Ontario, Nova Scotia and New Brunswick having a common British origin, and having from the first, respected the laws and law procedure of Great Britain as an

exemplar, are prepared, and so only, are designed for this improvement.

The province of Quebec, of French origin, at first, and for long years legislated for, and ruled by and in conformity with France, the metropolitan state; and which, when passing from the French to the British connection, by treaty, continually possessed, the established laws and civil rights unaltered, is fitly and necessarily excepted.

The General Court of Appeal propounded, which will undoubtedly conduce to judicial uniformity, will include within the extent of its authority,—this province with the others, only holding its course differently as to the peculiarity of law and of law procedure in Quebec.

Judicial Patronage and Tenure.

Sec. 98. The judges of the courts of Quebec shall be selected from the bar of that Province. It is permanently so to be. Also (sec. 97) the judges of the courts of Ontario, Nova Scotia and New Brunswick shall be selected from the respective bars of these provinces provisionally, *i. e.*, until the civil laws and the procedure of courts in these provinces are made uniform.

Sec. 96. The Governor General shall appoint the Judges of the superior, district and county courts in each province.

Sec. 99. Judges of the Superior Courts, hold office during good behaviour: so, on address of the Senate or House of Commons they are removeable by the Governor General.

Sec. 100. The salaries, allowances and pensions of the Judges of the said courts, and of the admiralty courts in some instances, shall be fixed and provided by the Parliament of Canada.

Secs. 96, 100. Judges of the Courts of Probate in Nova Scotia and New Brunswick are excepted from the range of the Governor General's patronage and from dependence on Parliament for salaries, &c.

Sec. 95. The Legislature in each province may make laws in relation to agriculture in, and immigration into the Province. So the Parliament of Canada may make laws in relation to agriculture in, and immigration into all, or any of the provinces, which take effect by their own force in all the Dominion. But any law

of the legislature of a province, relative to such affairs shall have effect in, and for the province, as long and as far only, as it is not repugnant to any Act of Parliament of Canada.

By sec. 93, the Public Education in regard of the Future, is settled at the Union,—it enacts that, “in and for each Province the Legislature of each may exclusively make laws in relation to it,” provided—

1st. That nothing prejudicially affecting existing “right or privilege with respect to Denominational schools” in any province, be possible by any future Act of its Legislature.

2nd. That all the powers, privileges and duties conferred and imposed on the Separate schools and School Trustees of the Queen’s Roman Catholic subjects in Upper Canada, at the time of Union, shall be and the same are hereby extended to the Dissident schools of the Queen’s Protestant and Roman Catholic subjects in Quebec. The “dissentient” schools in Lower Canada or Quebec are naturally to be understood as the schools of the Queen’s protestant subjects, and are therefore on a par, with the separate schools of the Queen’s Roman Catholic subjects in Upper Canada. They are reciprocally—as due in equity—given and charged with powers, privileges and duties. The political interest in the Union—of separate or dissentient School parties, in Upper Canada and Lower Canada is to support each other.

3rd. When in any Province a system of separate or dissentient schools exists by law at the Union; or wherein it is hereafter established by the Legislature of the province, any Act or decision of any provincial authority, affecting injuriously any right or privilege which exists by law of the province—of the Protestant or Roman Catholic minority, specially interested, in relation to Education in such schools;—in such case, an Appeal shall lie to the Governor General in Council.

4th. But if any such minority of the Queen’s subjects, are without the advantage of law existing, in their respective province, in this behoof:—Or in case any decision of the Governor General in Council on any Appeal under this section, (as provided for, immediately before,) is not duly executed by the proper provincial authority in that behalf, then, and in every such case, the Parliament of

Canada, may make remedial laws, as far only as the circumstances of each case require, for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

Political freedom and equality of rights and privileges of the Queen's subjects, Protestant and Roman Catholic, in the affairs of Education throughout the Dominion, are intended ; and lapses or checks in this behalf of the Provincial Governments and Legislatures, the Government and Parliament of Canada, are to supply and redress.

PART II.

OF THE PROVINCIAL GOVERNMENTS AND LEGISLATURES.

A second part of this Summary of the Act of British North America, is of whatsoever applies to distinct "part or parts," *i. e.*, province or provinces, composed in the Union of Provinces of the Dominion of Canada. These provinces as they existed, when this event overtook them, were Canada, Nova Scotia and New Brunswick. The changes that proceed in them severally—to adapt them to the Union are not alike. But with peculiarities redoubled in the case of Canada, duplicated in one or more respects in the cases of Nova Scotia and New Brunswick.

The Province of Canada that entered into the Union as one, had been before constituted as the two Provinces of Upper and Lower Canada; and in the Union, by the same Act that constitutes it, the same two provinces, are constituted anew, out of the one province as just before. And hereby the Province of Upper Canada is to take the name of Ontario, and that of Lower Canada is to take the name of Quebec.

Canada being thus qualified to enter into the Union, as the two Provinces of Ontario and Quebec, with other two provinces, Nova Scotia and New Brunswick, to make One Dominion, a New constitution of the Executive power in the Provinces in common,—is to take place; according to—

Sec. 58. For each province there shall be a Lieutenant Governor appointed by the Governor General in Council under the Great Seal (sec. 59,) to hold office during the pleasure of the Governor General. But one so appointed, after the commencement of the first session of the Parliament of Canada, shall not be removeable within five years from his appointment, except he be removed for cause assigned, which shall be communicated to him in writing within a month, and communicated to the Senate and to the House of Commons by message within a week thereafter, if Parliament is in session, or if not, when Parliament shall next be in session.

All Lieutenant Governors may be first appointed, after the first session of the Parliament of Canada, which, as far as it is peremptory, need only to be, not later than six months after the Union (sec. 19.) Some interval, though not so far prolonged, there must be, and some chief executive officer of each province appointed, for the interval.

During the interval the Governor General, as authorized by sec. 14, "may appoint any person or persons, jointly or severally, his deputy or deputies, within any part or parts of Canada, subject to any limitations or directions given by the Queen."

Sec. 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* chief executive officer or administrator, carrying on the government of the province, however designated.

Sec. 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.

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

Sec. 65. The provisions of this Act referring to the Lieutenant Governor in Council, shall be construed as referring to that officer, acting by and with the advice of the Executive Council of the province.

Sec. 67. The Governor General in Council may appoint an Administrator, to execute the office and functions of Lieutenant Governor during his absence, illness or other inability.

Sec. 68. The Seats of governments of the Provinces shall be:—of that of Ontario—Toronto, of that of Quebec, the city of that name, of that of Nova Scotia—Halifax, and of New Brunswick—Fredericton, unless and until, the executive Government of any Province otherwise directs.

Sec. 89. Respects both Parliament and the Legislatures. Each of the Lieutenant Governors of Ontario, Quebec, and Nova Scotia shall cause writs to be issued, for the first election of members for the Legislative Assembly thereof, in such form and by such person

as he thinks fit, at such time and addressed to such returning officer, as the Governor General directs, and so that the first election of members of the Assembly, for any electoral district or subdivision thereof, shall be at the same time and at the same places as the election of a member to serve in the House of Commons, for Canada. Provision being made (sec. 88) that the House of Assembly of New Brunswick, existing by a quite recent election, shall continue for the period, for which it was elected.

Sec. 128. Every member of a Legislative Council, or Legislative Assembly of any Province shall, before taking his seat therein, take and subscribe before the Lieutenant Governor, or some person authorized by him, the oath of allegiance, in the 5th schedule of this Act.

Sec. 90. Provisions of this Act, relating to, viz: (sec. 53)—Appropriation and Tax Bills, (sec. 54)—The recommendation of Money Votes, (sec. 55.)—The Royal Assent to Bills, (sec. 56.)—The Queen's in Council, disallowance of Acts, (sec. 57)—The significance of the Queen's pleasure on Bills reserved;—in which given sections,—they apply to the Parliament of Canada;—by this, (sec. 90,) shall extend and apply to the Legislatures of the several provinces, &c., &c., with the substitution of the Lieutenant Governor for the Governor, General, of the Governor General for the Queen, and for the Secretary of State, of one year for two years, and of the Province, for Canada.

Ontario and Quebec.

Notwithstanding the division of the Province of Canada, its temporary laws have their course still. Sec. 137 provides that an Act of Legislature of the one Province of Canada, not expired, is to have continued, its proper force, which ceases not before its proper time, and gives to any such temporary Act its full effect,—in place of the Province of Canada, as it now applies:—in the Province of Ontario, or in that of Quebec, or in any other relation that may be.

By secs. 139, 140, Proclamations under the Great Seal of the departed Province, issued before the Union, or proclamations so authorized to be issued, and not issued before the Union;—in case of such issued, whether relating to that province, or to Upper Canada or Lower Canada, continue in like force and effect as if the Union

in the Dominion had not been made. In case of those authorized and remaining to be issued; they may be issued by the Lieutenant Governor of Ontario, or of Quebec, as the subject matter requires, under the Great Seal thereof.

By sec. 136 the Great Seals of Upper and Lower Canada, as used heretofore, are assumed for Ontario and Quebec respectively.

Sec. 138. The words "Upper Canada" instead of Ontario, or "Lower Canada" instead of Quebec, shall not invalidate deed, writ, process, &c., &c.

Sec. 65. All powers, authorities and functions which, by due authority whatsoever, were or are, before or at the Union, vested in or exercisable, by the respective Governor, or Lieutenant Governor of Upper Canada, Lower Canada or Canada, with the advice, or with the advice and consent, of the respective Executive Councils thereof, &c., &c., 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 Governments of Ontario and Quebec respectively, be vested in and shall and may be exercised by the Lieutenant Governors of Ontario and Quebec respectively, with the advice, or with the advice and consent of the respective Executive Councils, or by the Lieutenant Governors individually, as the case requires.

Sec. 63. The Executive Councils of Ontario and Quebec, shall be composed of such persons, as the Lieutenant Governor, from time to time, thinks fit, being in the first instance :

The Attorney General.

The Secretary and Registrar.

The Treasurer.

The Commissioner of Crown Lands and

The Commissioner of Agriculture and Public Works.

(These in both provinces, and moreover in Quebec;—)

The Speaker of the Legislative Council and

The Solicitor General.

Sec. 135. Shews how all rights, powers, duties, &c., &c., at the passing of this Act vested in, or imposed on the Attorney General, Solicitor General, Secretary and Registrar for the Province of Canada, Minister of Finance, Commissioner of Crown

Lands, Commissioner of Public Works, Minister of Agriculture, and Receiver General, by law,—statute, or ordinance of Upper Canada, Lower Canada or Canada, shall be vested in, or imposed on any officer of Ontario or Quebec, to be appointed by the Lieutenant Governor, in relation to the same, or any part of them. The Minister of Agriculture, is to be as well, the Commissioner of Public Works. It is from this source, of the Lieutenant Governor's patronage, that the Ministries of these two provinces according to sec. 63, are at first formed, and this arrangement continues "until the Legislature of Ontario or Quebec otherwise provides."

Sec. 81. The Legislatures of Ontario and Quebec respectively, shall be called together, not later than six months after the Union.

Sec. 82. The Lieutenant Governor of each Province of Ontario and Quebec shall, from time to time, in the Queen's name, under the Great Seal of the Province, summon and call together, the Legislative Assembly of the respective province. Further, for the first election, (by sec. 89,) all laws which at the Union, are in force in Ontario and Quebec respectively, are continued in force.

Sec. 84. The qualifications and disqualifications of persons to be elected, or to sit and vote as members of the Assembly of Canada, the qualification of voters, (for the district of Algoma, is provided peculiarly in this same section,)—the oaths to be taken by such, the returning officers, their powers and duties, the proceedings at elections, the periods for which they may be continued, the trial of controverted elections, and the order of proceedings of the trial, the vacating of the seats of members, and the issuing and execution of new writs, in case of seats vacated, otherwise than by dissolution of Parliament, (also for which see, sec. 41,) shall respectively, apply to elections of members to serve in the respective Legislative Assemblies of Ontario and Quebec.

It is to be borne in mind that both elections, viz., of a member of the House of Commons of Canada, and of a member of the Legislative Assembly of any Province, are to be made at the same time and at the same places, at the first elections

Sec. 87. The rules and orders of the Legislative Assemblies of Ontario and Quebec, that is to say, relating to the election of a Speaker, originally and on vacancies, (secs. 44, 45,) the duties

of Speaker, (sec. 46,) the absence of the Speaker, (sec. 47,) the Quorum, (sec. 48,) and the mode of voting, (sec. 49,) are to be found in the provisions of this Act respecting all the same particulars, as they relate to of the House of Commons of Canada. By this (sec. 87) they shall extend and apply to these Provincial Legislative Assemblies.

Sec. 85. Every Legislative Assembly of Ontario, and every Legislative Assembly of Quebec, shall continue for four years and no longer, from the day of returning the writs for choosing the same; subject to be dissolved before, by the Lieutenant Governor, at his discretion.

Sec. 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, from the last sitting in one session, to the first sitting of the next.

Sec. 141. The Penitentiary of the Province of Canada till the Union; shall continue the Penitentiary of Ontario and Quebec, made to take the place of the Province of Canada in the Union.

Sec. 142. The division and adjustment of the debts, credits, liabilities, &c., &c., of Upper Canada 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. The selection of these three shall not be made, until the Parliament of Canada, and Legislatures of Ontario and Quebec have met. The arbitrator chosen by the Government of Canada, shall not be a resident, either in Ontario or in Quebec.

Sec. 143. Of the records, books and documents of the Province of Canada, the Governor General in Council, may, from time to time order, that so many of the whole collection, as he thinks fit, shall be appropriated to Ontario and Quebec.

Any copy more or less of the original, duly certified, by the authorized keeper, shall be admitted as evidence. What part and portion of the stock in question, is not appropriated to Ontario and Quebec, they possess in common with the other provinces in the Union.

Separately enacted for Ontario.

Sec. 69. There shall be a Legislature consisting of the Lieutenant Governor, and of one House styled the Legislative Assembly.

Sec. 70. The Legislative Assembly shall be composed of eighty-two members, to be elected to represent the eighty-two electoral districts, set forth in the schedule (A) of this Act, until the Parliament of Canada otherwise provides, (sec. 40.)

Separately enacted for Quebec.

Sec. 71. There shall be a Legislature, consisting of the Lieutenant Governor, and of two Houses, styled the Legislative Council and the Legislative Assembly, respectively, of Quebec.

Sec. 72. The Legislative Council shall be composed of twenty-four members, to be appointed by the Lieutenant Governor in the Queen's name under the Great Seal of Quebec. One being appointed to represent, each of the electoral districts of Lower Canada referred to—sec. 22—which again refers to Schedule A., Cap. 1 of the Consolidated Statutes of Canada, and each, holding office for the term of his life, unless the Legislature of Quebec assembled by this Act, otherwise provides.

Sec. 73. The qualifications of the Legislative Councillors of Quebec, shall be the same, as those of the Senators of the Province.

Sec. 74. The place of one—and of the other, become vacant in all like cases. In what cases the place of a Senator becomes vacant. (See sec. 31, items 1, 2, 3, 4, 5.)

Sec. 128. Every member of the Legislative Council of Québec shall, 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 fifth schedule to this Act.

Sec. 75. When a vacancy happens in the Legislative Council by resignation, death, or otherwise; the Lieutenant Governor in the Queen's name, under the Great Seal of Quebec, shall appoint a fit and qualified person, to fill the vacancy.

Sec. 77. The Speaker of the Legislative Council of Quebec,—the Lieutenant Governor from time to time appoints, under the the Great Seal of Quebec. He must be a member, whom he ap-

points to be Speaker thereof, and he may remove him, and appoint another in his stead.

Sec. 78. At least ten members of the Council, including the Speaker, shall be necessarily present, to constitute a meeting, for the exercise of its powers, until the Legislature of Quebec otherwise provides.

Sec. 79. Decision of questions arising in the Legislative Council of Quebec, shall be, by a majority of votes, the Speaker shall in all cases have a vote. The decision shall be deemed to be negative, when the votes are equal.

Sec. 80. The Legislative Assembly of Quebec shall be composed of sixty-five members, to be elected to represent, the sixty-five electoral divisions of Lower Canada in this Act referred to, (see sec. 40-2, Quebec,) subject to alteration thereof, by the Legislature of Quebec, but it shall not be lawful, to present to the Lieutenant Governor for assent,—a bill for altering the limits of any of the electoral divisions, &c., 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 members representing all those electoral divisions, &c. Also, unless an address has been presented by the Legislative Assembly to the Lieutenant Governor, stating that it has so passed, the assent shall not be given to such bill.

Sec. 144. The Lieutenant Governor may, from time to time, by proclamation under the Great Seal of the Province, constitute townships, in those parts of the province of Quebec in which townships are not to be found, and fix the metes and bounds thereof, to take effect, from a day appointed therein.

Nova Scotia and New Brunswick.

The two Provinces, Nova Scotia and New Brunswick having their respective Constitutions in force and exercise at the time of the Union, only such adaptations as are necessary for Union, are provided for.

Sec. 64. The constitution of the Executive authority in Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists, in the Union.

Sec. 88. The constitution of the Legislature of each of the said Provinces, shall, subject to the provisions of this Act, continue as it exists at the Union, and until altered under the authority of this Act. Sec. 95, relating to uniformity of laws, and law procedure, is elsewhere noticed.

If it is fit to be made known in this connection, that both these Provinces, have their legislatures formed of Lieutenant Governor, *now* vice Governor General on behalf of the Queen, a Legislative Council chosen by him in the Queen's name, of Residents in the respective Province, designated for life, and of a House of Assembly consisting of members chosen for four years by voters qualified on very easy terms, in counties, townships and cities. In the Houses of Assembly, the people of these Provinces are represented by a larger number of Members, in regard of the census of the population, than the people of Canada, in their Legislative Assemblies; there is published in proof of this—

“ A Tabular Statement of the ratio of Legislative population based on the census of 1861 :

Canada,	1 Representative to every	19,241 individuals.
Nova Scotia,	“ “ “	6,016 “
New Brunswick,	“ “ “	6,147 “

“ Thus it appears that in Canada [Provincial] one member of Parliament represents three times as many inhabitants, as one does in either Nova Scotia or New Brunswick.”—(*Monro's Hist. & Statistics of British North America*, 1864.)

AN ANALYTICAL INDEX OF THE BRITISH NORTH AMERICA ACT.

For ready separate use of the Sections of this Act, this Index is prepared, which very often may prove useful, rather than the summary part.

The contents of this Act, are noticed in the same order, as that in which they take place in the Act.

The current marginal indices, to the tenor of the sections, being in their nature analytical, are brought forward ; they lead off,—in the series in which they occur,—the fuller analysis, which is to follow.

CLASS I.

Sec. 1 and 2 are self-explaining and are noticed already.

CLASS II.—UNION.

Sec. 3. “ Declaration of Union ” by proclamation by the Queen, —makes it a fact. The Provinces of Canada, Nova Scotia and New Brunswick in virtue thereof, from the date given “ form and be one Dominion, under the name of Canada.”

Sec. 4. “ Construction of subsequent provisions of Act,” this provides that they commence and take effect on and after the date above said. It also fixes the meaning of the word Canada, as applied—newly in the Act.

Sec. 5. “ Four provinces ” divided and named.

Sec. 6. “ Provinces of Ontario and Quebec ” assigned in the place of the late province of Canada.

Sec. 7. “ Provinces of Nova Scotia and New Brunswick ” are not altered in their limits.

Sec. 8. “ Decennial Census ” is hereby required, and that the respective populations of the four Provinces be distinguished, inasmuch as Parliamentary representation, &c., are founded on Population.

CLASS III.—EXECUTIVE POWER ORIGINATED AND ORGANISED, AS
CONTINUAL IN THE DOMINION.

Sec. 9. "Declaration of Executive power" to continue and be vested in the Queen.

Sec. 10. "Application of provisions referring to Governor General—to the Chief executive officer, however styled, carrying on the Government of Canada, for the Queen."

Sec. 11. "Constitution of a Privy Council in Canada." A form of Council of Government, made new for the Dominion, to be styled "the Queen's Privy Council."

Sec. 12. "All powers under Acts to be exercised by the Governor General, with advice of Privy Council or alone." The "Acts," sources of the powers collated on the Governor General, are such Imperial or Provincial Acts, whereby at the Union,—powers are vested in or exercised by the respective Governors of Upper Canada, Lower Canada, Canada, Nova Scotia and New Brunswick, with the advice of Executive Council, or alone, now to be vested in, and exercised by, the Governor General, with a like difference.

Sec. 13. "Application of provisions referring to Governor General in Council," *i. e.*, provisions of this Act, using this form of words,—refer to that Chief officer, acting by, and with advice of the Queen's Privy Council for Canada.

Sec. 14. "Power to Her Majesty, to authorize the Governor General to appoint Deputies," whereby ordinarily, Lieutenant Governors of Provinces, will be appointed, &c., subordinate to the Governor General, under the Queen. It is a section which also may have a provisional application.

Sec. 15. "Command of armed Forces to continue to be vested in the Queen."

Sec. 16. "Seat of Government of Canada" shall be Ottawa, until changed by the Queen.

CLASS IV.—LEGISLATIVE POWERS OF THE DOMINION.

Sec. 17. "Constitution of Parliament of Canada." One Parliament, consisting of the Queen, the Senate and the House of Commons.

Sec. 18. "Privileges, &c., of Houses" to be defined respectively, from time to time, by Act of the Parliament of Canada, but shall never exceed, those of the Commons House of Parliament of the United Kingdom.

Sec. 19. "First session of the Parliament of Canada," When, after the Union—it shall be called together.

Sec. 20. "Yearly session of the Parliament of Canada" shall be called.

The Senate.

Sec. 21. The "number of Senators."

Sec. 22. The "representation of Provinces in the Senate," to consist in three divisions, named, with peculiarities, in some cases.

Sec. 23. "Qualifications of Senator" to be uniformly applicable to the Provinces, in five articles; a sixth article to qualify, concerns Quebec only.

Sec. 24. "Summons of Senator" shall be, from time to time, by the Governor General in the Queen's name:—

Sec. 25. "Summons of the first body of Senators,"—excepted: They are summoned by the Queen's warrant, and their names inserted in the Proclamation of Union. (*See Appendix A.*)

Sec. 26. "Addition of Senators in certain cases" practicable, in either the number three, or six, according to the three divisions of Canada.

Sec. 27. "Reduction of Senate to normal number" is to be afterwards made ordinarily, as vacancies may occur.

Sec. 28. "Maximum number of Senators" not to exceed seventy-eight.

Sec. 29. "Tenure of place in Senate" shall be for life, except—

Sec. 30. "Resignation of place in Senate" by a Senator writing to the Governor General, to resign his place, and

Sec. 31. "Disqualification of Senators" in any one of five cases defined.

Sec. 32. "Summons on vacancy in Senate" to be issued by the Governor General, to a fit and qualified person.

Sec. 33. "Questions, as to qualifications and vacancies, in Senate" shall be heard and determined, by the Senate.

Sec. 34. "Appointment of Speaker of Senate" to be made, of a member of the Senate, by the Governor General, who may remove one and appoint another.

Sec. 35. "Quorum of Senate" is to be at least fifteen, including the Speaker, until Parliament otherwise provides.

Sec. 36. "Voting in the Senate." Questions, arising shall be decided by a majority of voices. The Speaker in all cases has a vote. If votes are equal—the division shall be deemed in the negative.

The House of Commons.

Sec. 37. "Constitution of the House of Commons in Canada," which shall consist of 181 members, which shall be elected;—for Ontario 82, for Quebec 65, for Nova Scotia 19, for New Brunswick 15.

Sec. 38. The "summoning of the Houses of Commons," from time to time, is to be, by the Governor General's instrumentality in the Queen's name.

Sec. 39. "Senators not to sit in the House of Commons."

Sec. 40. "Electoral Districts of the four Provinces" Ontario, Quebec, Nova Scotia and New Brunswick,—shall be divided, for the purposes of the election of members of the House of Commons, as is herewith pointed out respectively for the Provinces.

Sec. 41. "Continuance of existing Election laws, until Parliament of Canada otherwise provides." Provided in addition for the district of Algoma, Ontario, that every British subject, twenty-one years of age, or more, and a householder shall have a vote, until otherwise provided by the Parliament of Canada.

Sec. 42. "Writs for first election" to be issued by such person, in such form, and addressed to such returning officer, as the Governor General thinks fit.

Sec. 43. "As to casual vacancies," if one, happens before the meeting of the Parliament, or (after, if,) before the Parliament provides in this behalf;—the provisions of the last foregoing section of this Act, have force, in respect of such vacant district.

Sec. 44. "As to election of Speaker of House of Commons" by the House,—of one of its Members.

Sec. 45. "As to filling up vacancy in office of Speaker," the House,—shall proceed with all practical speed.

Sec. 46. "Speaker to preside" at all meetings of the House.

Sec. 47. "Provision in case of absence of Speaker" for forty-eight consecutive hours.

Sec. 48. "Quorum of House of Commons" shall be at least twenty, and the Speaker, shall be one reckoned.

Sec. 49. "Voting in the House of Commons." Questions shall be decided by a majority. When the voices are equal, not otherwise, the Speaker shall have a vote.

Sec. 50. "Duration of the House of Commons"—is for five years from the day of the Return, unless dissolved, by the Governor General.

Sec. 51. "Decennial re-adjustment of Representation" in conformity with the variations apparent, in the decennial Census. The rule of assignment to other provinces, is made in respect of a fixed number of sixty-five members for Quebec.

No reduction of members shall take place in any province, unless its population, be diminished, one twentieth part, since the last before census taken, and such re-adjustment is not to be made, until the present Parliament has come to an end.

Fractional parts of the whole number requisite for a title to a Member, less or more, for the province,—go for nothing, if not exceeding one half, but are taken for as good as the whole, if exceeding.

Sec. 52. "Increase of members of the House of Commons" may be made by the Parliament, provided it agree with proportionate representation prescribed for the provinces.

Money votes, Royal assent.

Sec. 53. "Appropriation and Tax Bills" shall originate in the House of Commons.

Sec. 54. "Recommendation of money votes." Any appropriation, to any purpose, that has not been first recommended by the Governor General,—in that session, shall not be lawful for the House of Commons.

Sec. 55. "Royal assent to Bills, &c." On a bill presented to the Governor General for the Queen's assent, he shall declare,—either

that he assents, in the Queen's name, or withholds Her assent, or that he reserves the Bill, to know Her pleasure.

Sec. 56. "Disallowance by Order in Council, of Act assented to by Governor General." An authentic copy of a Bill that the Governor General assents to, he shall send without delay, to one of Her Majesty's principal Secretaries of State:—and if within two years, after his receipt thereof, (he, certifying the date of it,) the Queen in Council, thinks fit to disallow the Act, such disallowance with such certificate had, being signified duly, by the Governor General, shall annul the Act, from and after the day of such signification.

Sec. 57. "Signification of Queen's pleasure on Bill reserved." From the day on which a Bill reserved, for the Queen's pleasure be signified;—unless and until two years therefrom, the Governor General duly signifies, that it has received the assent of the Queen in Council,—it shall not have any force, before the said term be past. Every such speech, message to parliament, or proclamation whereby the Governor General signifies the Queen's pleasure in respect of a Bill, shall have an entry made of it, in the journal of each House, and a duplicate thereof, be kept among the records of Canada.

CLASS V.—PROVINCIAL CONSTITUTIONS.

Sec. 58. "Appointment of Lieutenant Governors of Provinces," shall be, by the Governor General in Council.

Sec. 59. "Tenure of office of Lieutenant Governor." Any Lieutenant Governor appointed, after the commencement of the first session of the Parliament of Canada, shall not be removeable for five years; but in this sense, he shall hold office during the pleasure of the Governor General, *i. e.*, he, may order his removal for cause assigned, and duly communicated to him;—and to the Senate and to the House of Commons thereafter.

Sec. 60. "Salaries of Lieutenant Governors" shall be fixed and provided, by the Parliament of Canada.

Sec. 61. "Oaths, &c., of Lieutenant Governor." Before assuming the duties of his office, he shall make and subscribe—as in this section directed.

Sec. 62. "Application of provisions referring to Lieutenant Governor," if need be, to other Chief executive officer, for the time being, of the province.

Sec. 63. "Appointment of executive officers for Ontario and Quebec." In the first instance,—of such officers as are enumerated in this section,—and, from time to time, the Executive Council shall be composed of such persons as the Lieutenant Governor thinks fit.

Sec. 64. "Executive Government of Nova Scotia and New Brunswick,"—in each, of these provinces, shall continue, as it exists at the Union, until altered under the authority of this Act.

Sec. 65. "Powers to be exercised by Lieutenant Governor of Ontario or Quebec with advice or alone." All powers, authorities and functions as before, or at, the Union that were vested in, or exercisable, by the respective Governors or Lieutenant Governors of Upper Canada, Lower Canada or Canada :—in Council, or individually, shall as far as the same are capable of being exercised after the Union, in relation to the governments of Ontario and Quebec respectively, be vested in and exercised by the Lieutenant Governor of Ontario and Quebec, in Council, or individually, subject, to given possible alterations.

Sec. 66. "Application of provisions referring to 'Lieutenant Governor in Council.'" Such provisions, shall be construed, as referring to that Chief officer of the province, acting by and with the advice of the Executive Council thereof.

Legislative Power.

Sec. 69. The "Legislature for Ontario." There shall be a Legislature,—of the Lieutenant Governor, and one House, styled the Legislative Assembly of Ontario.

Sec. 70. "Electoral districts." The eighty-two districts set forth in the 1st schedule of this Act, shall elect to represent them eighty-two members, of which the Legislative Assembly of Ontario shall be composed.

Sec. 71. The "Legislature for Quebec" shall be the Lieutenant Governor and two Houses, styled the Legislative Council and the Legislative Assembly of Quebec.

Sec. 72. "Constitution of Legislative Council" which shall be of Twenty-four members, to be appointed by the Lieutenant Governor in the Queen's name, being, one to represent each of the 24 electoral divisions of Lower Canada, and each member holding office for the term of his life, unless the Legislature of Quebec otherwise provides, &c.

Sec. 73. "Qualifications of Legislative Councillors" shall be the same, as those of the Senators, for Quebec.

Sec. 74. "Resignation, disqualification, &c." The place of a Legislative Councillor, shall become vacant *mutatis-mutandis*, in which the place of Senator, becomes vacant.

Sec. 75. "Vacancies."—When a vacancy happens, the Lieutenant Governor, in the Queen's name, &c., shall appoint a fit and qualified person, to fill the vacancy.

Sec. 76. "Questions as to vacancies, &c.," *i. e.*, as to qualification of a Legislative Councillor, or a vacancy in the Legislative Council, shall be heard and determined, by the Legislative Council.

Sec. 77. "Speaker of Legislative Council." The Lieutenant Governor may appoint one, remove,—and appoint another member, to be Speaker of the Council, from time to time.

Sec. 78. "Quorum of Legislative Council," at least ten Members including the Speaker, shall be necessary to constitute an effective meeting.

Sec. 79. "Voting in Legislative Council," shall be decided by a majority,—the Speaker in all cases having a vote. The decision shall be deemed to be in the Negative, when the voices are equal.

Sec. 80. "Constitution of Legislative Assembly of Quebec," Sixty-five members to be elected to represent the 65 electoral districts of Lower Canada, in this Act referred to (sec. 40-2) shall compose the Assembly. No Bill, may lawfully be presented, to the Lieutenant Governor for his assent, altering the limits of any electoral district, unless the 2nd and 3rd readings, have been passed in the Assembly, by a majority, representing all the electoral districts, and an address, has been presented to the Lieutenant Governor, stating it has been so passed.

Ontario and Quebec.

Sec. 81. "First session of Legislatures" respectively,—to be held not later, than six months after the Union.

Sec. 82. "Summoning of Legislative Assemblies." From time to time the Lieutenant Governor, in the Queen's name, shall summon and call them together.

Sec. 83. "Restriction on Election of holders of Offices" applies to a person, in Ontario or Quebec, in any office, commission or employment, permanent or temporary, at the nomination of the Lieutenant Governor, to which profit of any kind or amount, whatever, from the Province, is attached; but does not apply to any one, Member of the Executive Council of the respective Province, or to Officers particularised, of the Administration of the province, provided, such an one,—is elected, while in Office.

Sec. 84. "Continuance of existing Election Laws," as existing at the time of the Union—in Upper or Lower Canada, in the case of "Election of Members of the Assembly of the Province of Canada." In particulars given, they shall respectively apply to the Elections of Members, to serve in the respective Assemblies of Ontario and Quebec;—provided in addition, for the district of Algoma (Ontario) that every British subject, twenty-one years or more, and a householder, shall have a vote, until otherwise provided by the Legislature of Ontario.

Sec. 85. "Duration of Legislative Assemblies." Not being sooner dissolved, by the Lieutenant Governor;—they shall continue for four years.

Sec. 86. "Yearly session of Legislature." There shall be a Session, once at least, in every year, in each province.

Sec. 87. "Speaker, Quorum, &c." The provisions of sections 44, 45, 46, 47, 48, 49 respecting the House of Commons of Canada, —in the cases, shall extend and apply to, the Legislative Assemblies of Ontario and Quebec.

Nova Scotia and New Brunswick.

Sec. 88. "Constitution of Legislatures of—" shall, subject to this Act, continue as they exist at the Union, until altered under this Act.

Ontario, Quebec and Nova Scotia.

Sec. 89. "First elections" to be ordered, by each of the Lieutenant Governors, of these Provinces respectively, so,—that the first election of Member of Assembly for any electoral district, shall be held, at the same time and at the same places, as the election, for a member of the House of Commons of Canada.

The Four Provinces.

Sec. 90. "Application to Legislatures, of Provisions respecting money-votes, &c,"—Sections 54, 55, 56 and 57 make the provisions referred to, which by force of this section, shall extend and apply to the Legislatures of the several Provinces, according to the change of immediate relation of parties concerned; in the item of time, however, but one year, is the limited time in this case.

CLASS VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

Powers of the Parliament.

Sec. 91. "Legislative Authority of Parliament of Canada."—Classes of subjects, by this Act, section 92, being assigned exclusively to the Legislatures of the Provinces, are declared to be not thereby, so assigned, as to restrict the general force of terms of this section, viz: "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." Also the exclusive Legislative Authority of the Parliament of Canada extends to all matters within Twenty-nine Classes of subjects, then enumerated, none of which shall be deemed to come within the class of matters, of a local and private nature;—then, the 10th class assigned exclusively, to the Legislatures of the Provinces, expresses exceptions, designated *a, b, c*, of such local works or undertakings, as are assumed to the Legislation of the Parliament of Canada.

Exclusive powers of Provincial Legislatures.

Sec. 92. "Subjects of exclusive Provincial Legislation," come within 16 Classes, then enumerated.

Education.

Sec. 93. "Legislation respecting Education" in and for each Province. The Legislature, may exclusively make laws, provided :

1. Right or privilege, which any class of persons have by law in the province, at the Union, to Denominational Schools, be not prejudiced.

2. Separate Schools and School Trustees, as provided by the law of Upper Canada, for Roman Catholic subjects, are hereby and to the same effect, authorized, for dissentient subjects, in the Province of Quebec.

3. 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 Protestant or Roman Catholic minority.

4. What to the Governor General in Council seems requisite, for the due execution of this Act, is of force of law,—as far only, as the circumstances of each case require. The Parliament may in case of any such right, &c., prejudiced, enact remedial laws; or a law to enforce, the decision of the Government.

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

Sec. 94. "Legislation for uniformity of laws" in 3 provinces, viz : Nova Scotia, New Brunswick and Ontario, of British origin : For uniformity of the laws relative to property and civil rights—and of the procedure of the Courts in these Provinces, the Parliament of Canada has power to make laws ; but any act of Parliament for such uniformity, shall not have effect in any Province, unless adopted by the Legislature thereof.

Agriculture and Immigration.

Sec. 95. "Concurrent powers of Legislation, respecting Agriculture, &c.," only, the law of the Parliament of the Dominion—may not be hindered, in case of repugnancy of the Provincial Legislation.

CLASS VII. JUDICATURE.

Sec. 96. "Appointment of Judges," to be by the Governor General, in the Superior, District and County Courts in each

Province: Courts of Probate in Nova Scotia and New Brunswick excepted.

Sec. 97. "Selection of Judges in Ontario, &c." Until the laws of Property and Civil rights, and the procedure of Courts are made uniform in Ontario, Nova Scotia and New Brunswick, the Judges of the Courts, shall be selected, from the respective Bars of those Provinces.

Sec. 98. "Selection of Judges in Quebec" shall be from the Bar of that Province.

Sec. 99. "Tenure of Office of Judges of Superior Courts" is during good behaviour;—otherwise they shall be removeable, on address of the Senate and House of Commons, by the Governor General.

Sec. 100. "Salaries &c., of Judges" of Superior, District and County Courts, shall be fixed and provided, by the Parliament of Canada. Also, Judges of Admiralty Courts, where and when paid by Salary, but not those of the Courts of Probate, in Nova Scotia and New Brunswick.

Sec. 101. "General Court of Appeal, &c," the Parliament of Canada, may provide for its establishment, and for that of any additional Courts, for Canada.

CLASS VIII. REVENUES, DEBTS, ASSETS, TAXATION &C.

Sec. 102. "Creation of Consolidated Revenue Fund," One Consolidated Fund, shall be formed of all Duties and Revenues of Legislatures of Canada, Nova Scotia and New Brunswick before, and at the Union, to be appropriated for the Public service of Canada, in the manner by this act provided. Except such portions, as are, by this Act, reserved to the respective Legislatures of Provinces' disposition, &c.

Sec. 103. "Expenses of Collection, &c." Expenses incident to the Collection, management and receipt thereof, shall form, the first charge thereon: it shall be audited, as ordered by Governor General in Council, &c.

Sec. 104. "Interest of Provincial Public Debts," *i. e.*, of the several Provinces at the Union;—shall form the second charge on that Fund.

Sec. 105. "Salary of Governor General" shall be Ten thousand pounds sterling, payable out of that fund; and shall form, the third charge thereon, subject to the Parliament of Canada.

Sec. 106. "Appropriation from time to time" of this Fund, after being so subjected, shall be made by the Parliament of Canada for the Public service.

Sec. 107. "Transfer of Stocks, &c." all Stocks, Cash, Banker's balances, and securities for money, belonging to each Province, at the time of Union,—shall be the property of Canada, and taken in reduction of the respective Debts of the Provinces, at the time, except as in this act mentioned, Sec. 109, 110.

Sec. 108. "Transfer of property in Schedule," *i. e.*, the 3rd Schedule to this Act,—of Public Works, &c., of each Province, which shall be the property of Canada.

Sec. 109. "Property in Lands, Mines, &c.," all such property of Canada, Nova Scotia and New Brunswick at the Union, and all sums then due or payable, for such Lands, Mines, Minerals, Royalties shall belong to the several Provinces in which they are;—subject, to any trust or interest, existing in respect thereof.

Sec. 110. "Assets connected with provincial debts," *i. e.* with portions, of the Public debts of each Province;—assumed by it shall belong to that Province.

Sec. 111. "Canada to be liable to Provincial Debts," *i. e.* for the debts and liabilities of each Province, existing at the Union.

Sec. 112. "Debts of Ontario and Quebec," if any,—the amount more,—of the debt of the Province of Canada, at the Union, than \$62,500,000, and with interest to be charged at 5 per cent. per annum, on the exact excess of amount.

Sec. 113. "Assets of Ontario and Quebec" shall be such, as are enumerated in the 4th Schedule to this Act, belonging at the Union, to the Province of Canada.

Sec. 114. "Debt of Nova Scotia" to Canada, if any, the amount by which, its public debt at the Union, exceeds 8 million dollars, with interest, as charged in the case of Ontario and Quebec.

Sec. 115. "Debt of New Brunswick" to Canada, if any, the amount by which, its public debt at the Union, exceeds \$7,000,000, with interest, as charged Ontario, Quebec and Nova Scotia.

Sec. 116. "Payment of interest, to Nova Scotia and New Brunswick." They shall respectively receive, by half yearly payments, in advance from Canada, interest at 5 per cent. per annum, on the difference (less), between the actual, and stipulated amount of their respective debts.

Sec. 117. "Provincial public property." All their respective public property—the several provinces shall retain; yet Canada has Right to assume, any Lands required for fortifications or defence.

Sec. 118. "Grants to Provinces" by Canada, for the support of their Governments and Legislatures.

Ontario.....	\$80,000
Quebec.....	70,000
Nova Scotia.....	60,000
New Brunswick.....	50,000
	<hr/>
	\$260,000

and an annual grant of 80 cents per head, of the population in 1861 in each province; and in the case of Nova Scotia and New Brunswick, until the population of each amounts to 400,000, by decennial census, at which rate such grant shall remain. It follows in this section, how the payment shall be made by Canada, to each province, with a deduction, to be made in given circumstances in the case of each.

Sec. 119. "Further grant to New Brunswick"—for 10 years, by half yearly payments, of an additional sum of \$63,000 per annum, with a deduction, to be made in given circumstances.

Sec. 120. "Form of payments" in discharge of any liabilities, assumed by Canada, created, under any Act of the provinces of Canada, Nova Scotia and New Brunswick, shall be, as may from time to time, be ordered by the Governor General in Council, alterable by Parliament.

Sec. 121. "Canadian manufactures, &c." All articles of the growth, produce or manufacture of any one of the provinces, shall, from the Union, be admitted free, into another.

Sec. 122. "Continuance of Customs and Excise Laws" of each province, subject to this Act, but alterable by Parliament.

Sec. 123. "Exportation and Importation, as between two Provinces"—On whatever, Customs Duties, are at the Union, leviable in any two provinces,—after the Union, if the same be imported, from one province into another of them, on proof of payment of such duties in the one, the same goods may be imported into the other, subject only to pay such *further* amount (if any) of Customs duty leviable in that province.

Sec. 124. "Lumber dues in New Brunswick." That province is assured, of the right to levy Lumber Dues, according to laws of that province referred to, but not to apply, to lumber of other Provinces, and not increasing the amount of such dues.

Sec. 125. "Exemption of Public Lands, &c." Lands or Property of Canada, or any province, shall not be liable to taxation.

Sec. 126. "Provincial Consolidated Fund." One Consolidated Revenue Fund, is and shall be in each Province, of such portions of the Duties and Revenues of Canada, Nova Scotia and New Brunswick before the Union, as are by this Act reserved, to the respective provinces, in the Union; (the province of Canada before,—being now Ontario and Quebec,) and of all duties and revenues fitly raised by any of them, to be appropriated to the service of the Province.

CLASS IX.—MISCELLANEOUS PROVISIONS.

Sec. 127. "As to Legislative Councillors, becoming Senators." A Legislative Councillor of Canada, Nova Scotia or New Brunswick, offered a place in the Senate of the Dominion, must accept the same within 30 days, by writing, under his hand, addressed to the Governor General, or to the Lieutenant Governor of Nova Scotia or New Brunswick, as the case may be; if he does not, he shall be deemed to have declined the same. And who, at the passing of this Act, of the Legislative Council of Nova Scotia and New Brunswick, accepts a place in the Senate, vacates his seat in such Legislative Council.

Sec. 128. "Oath of Allegiance, &c." A member of the Senate, or House of Commons of Canada, shall, before the Governor General, or his Appointee:—A member of a Legislative Council or Legislative Assembly of any province shall, before the Lieutenant

Governor, or his Appointee, take and subscribe the Oath of Allegiance, (in the 5th Schedule of this Act) before taking his seat therein. A member of the Senate, or a member of the Legislative Council of Quebec, shall, before the Governor General or his Appointee, also take and subscribe, the Declaration of Qualification, contained in the same Schedule.

Sec. 129. "Continuance of existing Laws, Courts and Officers." All laws in force, except as otherwise provided by this Act, all courts of civil and criminal jurisdiction, all commissions, powers and authorities, and all judicial and administrative officers, in Canada, Nova Scotia and New Brunswick at the Union, shall continue in Ontario;—Quebec, Nova Scotia and New Brunswick, respectively, as if the Union had not been made, subject to the pleasure of the Parliament of Canada, or of the Legislature, of the respective province;—with exception of what exist by Act of Parliament of the United Kingdom.

Sec. 130. "Transfer of officers to Canada."—Officers having duties to discharge, other, than those attaching them exclusively, to the Governments and Legislatures of the Provinces, shall be officers of Canada; to discharge the duties of their respective offices, &c., until Parliament otherwise provides.

Sec. 131. "Appointment of New officers."—The Governor General in Council may, from time to time, appoint necessary or proper officers, for the effectual execution of this Act, subject to Parliament.

Sec. 132. "Treaty Obligations" of Canada, or of any Province thereof, as under Treaties between the Empire and Foreign countries—as part of the British Empire:—for performing them:—the Parliament and Government of Canada, shall have all powers, necessary and proper.

Sec. 133. "Use of English and French Languages."—Of either, in the Debates of Parliament of Canada, and of the Legislature of Quebec, and both shall be used, in the respective Records and Journals of the same, and the Acts of Parliament, and of the Legislature named, shall be published in both; and either of those languages, may be used, in any pleading or process in or issuing from any Court of Canada, established under this Act, and the Courts of Quebec.

Ontario and Quebec.

Sec. 134. "Appointment of Executive Officers for Ontario and Quebec."—The Lieutenant Governors, may each, appoint officers designated in this section, during pleasure; and the Lieutenant Governor in Council, from time to time, prescribe the duties of those officers; and of the several departments they shall preside over, and of the officers and clerks thereof, and may also appoint other officers, during pleasure, and prescribe the duties of those officers, &c., until the Legislature of Ontario or Quebec provides otherwise.

Sec. 135. "Powers, duties, &c. of Executive Officers."—Ontario and Quebec, being by the last section enabled, to have Executive Governments formed, the designated officers of Departments specified therefor, have all rights, powers, duties, functions, responsibilities derived to them, which at the passing of this Act were vested in, or imposed on, officers designated in the same way, or with little variation in the Province of Canada, from which, these two provinces derive; but two offices named, held by different persons before, shall now be conjoined and held by one, alterable by the Legislature of each Province.

Sec. 136. "Great Seals of Ontario and Quebec" shall be as those respectively used, in the provinces of Upper and Lower Canada heretofore.

Sec. 137. "Construction of temporary Acts."—The words "and from thence to the end of the next ensuing session," or the like used in any Act of the Province of Canada not expired, shall be construed as if,—of the next session, of the Parliament of Canada, or the next session, of the Legislature of Ontario, or Quebec, respectively, according to the subject matter expressed.

Sec. 138. "As to errors in names after the Union."—as Upper Canada, instead of Ontario; or Lower Canada, instead of Quebec; such an error, invalidates nothing.

Sec. 139. "As to Issue of Proclamations before Union, to commence after Union."—The several matters and things therein proclaimed, shall be of like force and effect as if,—the Union had not been made, as applicable to Canada, Upper Canada, or Lower Canada.

Sec. 140. "As to Issue of Proclamations after Union."—Authorized by any Act of the Province of Canada, any such, not issued before, may be issued by the Lieutenant Governor of Ontario, or Quebec, as its subject matter, requires, with like force and effect, as if the Union, had not taken place, as applicable to Canada, Upper Canada or Lower Canada.

Sec. 141. "Penitentiary."—That of the Province of Canada; shall be the Penitentiary of Ontario and Quebec:—alterable by Parliament.

Sec. 142. "Arbitration respecting Debts, &c."—Debts, liabilities, properties and assets of Upper Canada and Lower Canada, shall be referred, to Three arbitrators, the Government of Ontario, that of Quebec, and that of Canada choosing, each,—one; but not before the Parliament of Canada, and the Legislatures of Ontario and Quebec, have met; the one chosen by the Government of Canada, shall not be a Resident, in Ontario or in Quebec.

X.—INTERCOLONIAL RAILWAY.

Sec. 145. "Duty of Government and Parliament of Canada, to make Railway, herein described."—Inasmuch as the Provinces, have joined in a Declaration, that it is essential to the consolidation of the Union, and have consequently agreed that provision should be made, for its immediate construction, by the Government of Canada (see Act of British Parliament "The Canada Railway Loan Act 1867.") Therefore, it shall be the duty of the Government and Parliament of Canada—to provide for its commencement, within six months after the Union, and the completion and construction thereof, with all practicable speed.

XI.—ADMISSION OF OTHER COLONIES.

Sec. 146. "Power to admit Newfoundland, &c., into the Union," *i. e.* the Provinces or Colonies of Newfoundland, Prince Edward Island and British Columbia:—on Address from the Parliament of Canada, and respective Legislatures concerned;—to the Queen in Council:—the Queen by and with the advice of Her Privy Council, is empowered to admit those Colonies, or any of them, into the Union. And on Address, from the Parliament of Canada,

merely,—to admit Rupert's Land, and the North Western Territory, or either, into the Union; and the provisions of any Order in Council in that behalf, shall have full effect, subject to provisions of this Act.

Sec. 147. "As to representation of Newfoundland and Prince Edward Island, in Senate."—Each, shall be entitled to representation in the Senate of Canada, of 4 members; but Prince Edward Island, when admitted, shall be deemed to be of the 3rd division, into which Canada is divided, in relation to the Senate, (sec. 22, item 3,) and the representation of Nova Scotia and New Brunswick, as vacancies occur, shall be reduced from 12 to 10 members respectively. In case of the admission of Newfoundland, the normal number of Senators, shall be 76, and their maximum number shall be 82. (See sections 21, 27 and 28.) It is to be observed that the admission of Newfoundland, is necessarily, increasing the number of the Senators by 4 more, assigned to it. So Nova Scotia and New Brunswick would not suffer a loss in the respective number of their Senators, on its admission, although Prince Edward Island, had not come into the Union.

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ANNO TRICESIMO

VICTORIÆ REGINÆ.

C A P . I I I .

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 Short Title Act, 1867.

Application of Provisions referring to the Queen.

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.

Declaration of 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 and after that Day those Three Provinces shall form and be One Dominion under that Name accordingly.

Construction of subsequent Provisions of Act.

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.

Four Provinces.

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

Provinces of Ontario and Quebec.

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.

Provinces of Nova Scotia and New Brunswick.

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

Decennial Census.

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.

Declaration of Executive Power in the Queen.

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.

Application of Provisions referring to Governor General.

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.

Constitution of Privy Council for Canada.

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 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 continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exerciseable 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.

All Powers under Acts to be exercised by Governor General with Advice of Privy Council or alone.

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.

Application of Provisions referring to Governor General in Council.

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

Power to Her Majesty to authorize Governor General to appoint Deputies.

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.

Command of
Armed Forces to
continue to be
vested in the
Queen.

Seat of Go-
vernment of
Canada.

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.

Constitution of
Parliament of
Canada.

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

Privileges, &c.
of Houses.

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

First Session of
the Parliament
of Canada.

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

Yearly Session
of the Par-
liament of
Canada.

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.

Number of
Senators.

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

Representation
of Provinces in
Senate.

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:—

Qualifications
of Senator.

- (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 Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alieu 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.

Summons of
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.

Summons of
First Body of
Senators.

Addition of Senators in certain cases.

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.

Reduction of Senate to normal number.

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.

Maximum number of Senators.

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

Tenure of place in Senate.

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

Resignation of Place in Senate.

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.

Disqualification of Senators.

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.

Summons on Vacancy in Senate.

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.

Questions as to Qualifications and Vacancies in Senate.

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.

Appointment of Speaker of Senate.

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.

Quorum of Senate.

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.

Voting in Senate.

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.

Constitution of House of Commons in Canada.

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.

Summoning of Houses 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.

Senators not to sit in 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:—

Electoral districts of the four Provinces.

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.

Continuance of existing Election Laws until Parliament of Canada otherwise provides.

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.

Writs for first election.

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.

As to Casual Vacancies.

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.

As to Election of Speaker of House of Commons.

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.

As to filling up Vacancy in Office of Speaker.

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

Speaker to preside.

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.

Provision in case of absence 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.

Quorum of House of Commons.

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.

Voting in House of Commons.

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.

Duration of House of Commons.

51. On the Completion of the Census in the Year One

Decennial Re-adjustment of

Representation.

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 disregarded ; 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.

Increase of number of House of Commons.

52. The Number of 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.

Appropriation and tax Bills.

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

Recommendation of money votes.

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.

Royal Assent to Bills, &c.

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.

Disallowance by order in Council of Act assented to by Governor General.

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.

Signification of Queen's pleasure on Bill reserved.

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.

Appointment of Lieutenant Governors of Provinces.

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 removeable within Five Years from his Appointment, except for Cause assigned, which

Tenure of office of Lieutenant Governor.

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.

Salaries of
Lieutenant
Governors.

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

Oaths, &c.
of Lieutenant
Governor.

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.

Application of
provisions refer-
ring to Lieu-
tenant Go-
vernors.

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.

Appointment of
Executive
Officers for
Ontario and
Quebec.

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.

Executive Go-
vernment of
Nova Scotia
and New
Brunswick.

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.

Powers to be
exercised by
Lieutenant
Governor of
Ontario or
Quebec with
advice or alone.

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 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 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 Kingdom 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.

Application of provisions referring to Lieutenant Governor in Council.

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.

Administration in absence, &c. of Lieutenant Governor.

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.

Seats of Provincial Governments.

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.

Legislature for 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.

Electoral districts.

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.

Legislature for 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,

Constitution of Legislative Council.

unless the Legislature of Quebec otherwise provides under the Provisions of this Act.

Qualification of
Legislative
Councillors.

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

Resignation,
Disqualification,
&c.

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.

Vacancies.

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.

Questions as to
Vacancies, &c.

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.

Speaker of
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.

Quorum of
Legislative
Council.

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.

Voting in
Legislative
Council.

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.

Constitution of
Legislative
Assembly of
Quebec.

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. First Session of Legislatures.

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. Summoning of Legislative Assemblies.

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 Québec 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. Restriction on election of holders of offices.

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. Continuance of existing election Laws.

Provided that until the Legislature of Ontario otherwise 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 British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote.

Duration of
Legislative
Assemblies.

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.

Yearly Session
of Legislature.

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.

Speaker,
Quorum, &c.

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.

Constitutions
of Legislatures
of 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.

First Elections.

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.

Application to Legislatures of provisions respecting money votes, &c.

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:—

Legislative Authority of Parliament of Canada.

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.

Subjects of
exclusive Pro-
vincial Legis-
lation.

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 Licences 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.

Legislation
respecting edu-
cation.

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 exists 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.

Legislation for uniformity of Laws in three Provinces.

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.

Concurrent powers of Legislation respecting Agriculture, &c.

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.

Appointment of Judges.

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.

Selection of Judges in Ontario, &c.

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

Selection of Judges in Quebec.

99. The Judges of the Superior Courts shall hold office

Tenure of office of Judges

of Superior
Courts.

during good Behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Salaries, &c. of
Judges.

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.

General Court
of Appeal, &c.

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.

Creation of
Consolidated
revenue fund.

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.

Expenses of
collection, &c.

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.

Interest of Pro-
vincial public
debts.

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.

Salary of Go-
vernor Ge-
neral.

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.

Appropriation
from time to
time.

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. Transfer of stocks, &c.

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

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. Property in Lands, Mines, &c.

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. Assets connected with Provincial debts.

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

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. Debts of Ontario and Quebec.

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. Assets of Ontario and Quebec.

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. Debt of Nova Scotia.

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. Debt of New Brunswick.

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 Payment of interest to Nova Scotia and New Brunswick.

Difference between the actual Amounts of their respective Debts and such stipulated Amounts.

Provincial
public pro-
perty.

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.

Grants to
Provinces.

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

	Dollars.
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.

Further grant
to New Brun-
swick.

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 par 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.

Form of pay-
ments.

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. Canadian manufactures, &c.

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. Continuance of customs and excise Laws.

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. Exportation and Importation as between two Provinces.

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. Lumber Dues in New Brunswick.

125. No Lands or Property belonging to Canada or any Province shall be liable to Taxation. Exemption of Public Lands, &c.

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. Provincial Consolidated revenue fund.

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 As to Legislative Councilors of Provinces becoming senators.

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.

Oath of Allegiance, &c.

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 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.

Continuance of existing Laws, Courts, Officers, &c.

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.

Transfer of officers to Canada.

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.

Appointment of new officers.

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 of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries. Treaty obligations.

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 Houses 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. Use of English and French Languages.

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 or of 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 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. Appointment of executive officers for Ontario and Quebec.

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, Powers, duties, &c. of Executive officers.

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.

Great Seals.

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.

Construction of temporary Acts.

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.

As to Errors in names.

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.

As to issue of Proclamations before Union, to commence after Union.

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.

As to issue of Proclamations after Union.

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. Penitentiary.

142. The Division and Adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada 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. Arbitration respecting debts, &c.

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. Division of records.

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. Constitution of townships in Quebec.

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 Duty of Government and Parliament of Canada to make Railway herein described.

thereof without Intermission, and the Completion thereof with all practicable Speed.

XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c. into the Union.

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.

As to Representation of Newfoundland and Prince Edward Island in Senate.

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 this 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 Elizabeth-town 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, Amable, 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, Kinloss, Culross, and Carriek.

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 three 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. Catherines.
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, Tossorontio, 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, Dummer, 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 situated.

THE SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.

COUNTIES OF—

Pontiac.	Missisquoi.	Compton.
Ottawa.	Brome.	Wolfe and Richmond.
Argenteuil.	Shefford.	Megantic.
Huntingdon.	Stanstead.	
	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. Railways 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.
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THE FOURTH SCHEDULE.

Assets to be the Property of Ontario and Quebec conjointly.

Upper Canada Building Fund.	
Lunatic Asylums.	
Normal School.	
Court Houses,	}
in	
Aylmer.	
Montreal.	
Kamouraska.	
Law Society, Upper Canada.	Lower 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.
 Québec Fire Loan.
 Tamiscouata Advance Account.
 Québec 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 Socage [*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 and 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.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

CAP. XVI.

An Act for authorizing a Guarantee of Interest on a Loan to be raised by *Canada* towards the Construction of a Railway connecting *Quebec* and *Halifax*.

[12th April, 1867.]

WHEREAS the construction of a Railway connecting the Port of *Rivière du Loup*, in the Province of *Quebec*, with the line of railway leading from the city of *Halifax*, in the Province of *Nova Scotia*, at or near the town of *Truro*, in a line, and on conditions approved by one of Her Majesty's Principal Secretaries of State, would conduce to the welfare of *Canada* and promote the interest of the British Empire :

And whereas it would greatly facilitate the construction of that railway (in this Act referred to as the railway) if payment of interest on part of the money required to be raised for the same were guaranteed under the authority of Parliament :

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. Subject to the provisions of this Act, the Commissioners of Her Majesty's Treasury may guarantee, in such manner and form as they think fit, payment of interest at a rate not exceeding four per centum per annum on any principal money not exceeding the sum of three million pounds sterling, to be raised by way of loan by the Government of *Canada* for the purpose of the construction of the railway ; and the Commissioners of

Power for treasury to guarantee interest on loan.

Her Majesty's Treasury may from time to time cause to be issued out of the consolidated fund of the United Kingdom, or the growing produce thereof, any money required for giving effect to such guarantee.

Approval of line and use of railway for troops, &c.

2. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed, within two years after the union of *Canada* under the *British North America Act, 1867*, providing to the satisfaction of one of Her Majesty's Principal Secretaries of State, as follows :

1. For the construction of the railway :
2. For the use of the railway at all times for Her Majesty's military and other service :

Nor unless and until the line in which the railway is to be constructed has been approved by one of Her Majesty's Principal Secretaries of State.

Raising and expenditure of a loan charged on Canadian Revenue, with Sinking Fund, &c.

3. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed providing, to the satisfaction of the Commissioners of Her Majesty's Treasury, as follows :

1. For the raising, appropriation and expenditure for the purpose of the construction of the railway of a loan not exceeding Three Million Pounds Sterling, bearing interest at a rate not exceeding four per centum per annum :
2. For charging the Consolidated Revenue Fund of *Canada* with the principal and interest of the loan immediately after the charges specifically made thereon by Sections One Hundred and Three, One Hundred and Four, and One Hundred and Five of The *British North America Act, 1867* :
3. For the payment by the Government of *Canada* by way of Sinking Fund of an annual sum at the rate of one *per centum per annum* on the entire amount of principal money whereon Interest is guaranteed, to be remitted the Commissioners of Her Majesty's Treasury by equal half-yearly payments in such manner as they from time to time direct, and to be invested and accumulated under their direction in the name of four Trustees, nominated from time to time, two by the Commissioners of Her Majesty's Treasury and two by the Government of *Canada*, such Sinking Fund and its accumulations to be invested in securities of the Provinces

of *Canada, Nova Scotia and New Brunswick*, issued before the Union of *Canada*, or, at the option of the Government of *Canada*, in such other securities as may be proposed by that Government and approved by the Commissioners of Her Majesty's Treasury, and to be applied under the direction of the Commissioners of Her Majesty's Treasury in discharge of principal money whereon interest is guaranteed;

4. For charging the Consolidated Revenue Fund of *Canada* with the amount of the Sinking Fund immediately after the principal and interest of the loan;
5. For charging the Consolidated Revenue Fund of *Canada* with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five *per centum per annum*, immediately after the Sinking Fund;
6. For continuance of the Sinking Fund until all principal and interest of the loan, and all sums issued out of the Consolidated Fund of the United Kingdom under this Act, and all interest thereon, are fully discharged, or until the Sinking Fund and its accumulations are adequate to discharge so much thereof as remains undischarged;
7. For the raising by the Government of *Canada* (without guarantee by the Commissioners of Her Majesty's Treasury) of all such money (if any) beyond the sum of three million pounds sterling as, in the opinion of one of Her Majesty's Principal Secretaries of State, will be requisite for the construction of the railway, and for charging the Consolidated Revenue Fund of *Canada* with the money so raised, and interest, immediately after the charges made thereon in pursuance of the foregoing provisions of this section.

4. There shall be laid before both Houses of Parliament, within fourteen days next after the beginning of every session, a statement and account showing what has been done from time to time in execution or pursuance of this Act by or under the direction of the Commissioners of Her Majesty's Treasury, and one of Her Majesty's Principal Secretaries of State, and the Parliament and Government of *Canada*.

Statement and accounts to be laid before houses of Parliament.

5. This Act may be cited as The *Canada Railway Loan Act*, 1867. Short title.

C A N A D A .



By the QUEEN.

A PROCLAMATION

For uniting the Provinces of Canada, Nova Scotia, and New Brunswick, into one Dominion, under the name of CANADA.

WHEREAS by an Act of Parliament, passed on the twenty-ninth day of March, one thousand eight hundred and sixty-seven, in the thirtieth year of Our reign, intituled: "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof and for purposes connected therewith," after divers recitals, it is enacted that "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 and after that day those Three Provinces shall form and be One Dominion under that Name accordingly;" and it is thereby further enacted that "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; We, therefore by and with the advice of Our Privy Council, have thought fit to issue this Our Royal Proclamation, and We do ordain, declare and command that on and after the first day of July, one thousand eight hundred and sixty-seven, the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the name of Canada:

And We do further ordain and declare that the persons whose names are herein inserted and set forth are the persons of whom We have by Warrant under Our Royal Sign Manual thought fit to approve as the persons who shall be first summoned to the Senate of Canada:

For the Province of Ontario.

John Hamilton.
Roderick Matheson.
John Ross.
Samuel Mills.
Benjamin Seymour.
Walter Hamilton Dickson.
James Shaw.
Adam Johnston Fergusson Blair.
Alexander Campbell.
David Christie.
James Cox Aikins.
David Reesor.

Elijah Leonard.
William MacMaster.
Asa Allworth Burnham.
John Simpson.
James Skead.
David Lewis Macpherson.
George Crawford.
Donald Macdonald.
Oliver Blake.
Billa Flint.
Walter McCrea.
George William Allan.

For the Province of Quebec.

James Leslie.	David Edward Price.
Asa Pelknap Foster.	Elzear H. J. Duchesnay.
Joseph Noël Bossé.	Leandre Dumouchel.
Louis A. Olivier.	Louis Lacoste.
Jacques Olivier Bureau	Joseph F. Armand.
Charles Malhiot.	Charles Wilson.
Louis Renaud.	William Henry Chaffers.
Luc Letellier de St. Just.	Jean Baptiste Guévremont.
Ulric Joseph Tessier.	James Ferrier.
John Hamilton.	Sir Narcisse Fortunat Belleau, Knight
Charles Cormier.	Thomas Ryan.
Antoine Juchereau Duchesnay.	John Sewall Sanborn.

For the Province of Nova Scotia.

Edward Kenny.	John W. Ritchie.
Jonathan McCully.	Benjamin Wier.
Thomas D. Archibald.	John Locke.
Robert B. Dickey.	Caleb R. Bill.
John H. Anderson.	John Bourinot.
John Holmes.	William Miller.

For the Province of New Brunswick.

Amos Edwin Botsford.	William Henry Steeves.
Edward Barron Chandler.	William Todd.
John Robertson.	John Ferguson.
Robert Leonard Hazen.	Robert Duncan Wilmot.
William Hunter Odell.	Abner Reid McClelan.
David Wark.	Peter Mitchell.

Given at Our Court, at *Windsor Castle*, this twenty-second day of *May*, in the year of Our Lord, one thousand eight hundred and sixty-seven, and in the thirtieth year of Our reign.

GOD save the QUEEN.

C A N A D A .

By His Excellency the Right Honorable CHARLES STANLEY VISCOUNT MONCK, Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of Ireland, and Baron Monck of Ballytrammon, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of Canada, &c., &c., &c.

To all to whom these presents shall come—GREETING:

A PROCLAMATION.

WHEREAS Her Majesty the Queen, by Her Letters Patent, under the Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, on the First day of June, in the Thirtieth year of Her Reign, hath been graciously pleased to constitute and appoint me to

be Governor General of Canada, with all and every the powers and authorities in the said Letters Patent contained, and which belong to the said office; Now Know Ye, and I have therefore, with the advice of the Queen's Privy Council for Canada, thought fit to issue this Proclamation to make known, and I do hereby make known, Her Majesty's said appointment; Of all which Her Majesty's loving subjects, and all others whom it may concern, are to take notice thereof and govern themselves accordingly.

GIVEN under my Hand and Seal at Arms, at OTTAWA, this
FIRST day of JULY, in the year of Our Lord one thousand eight hundred and sixty-seven, and in thirty-first
year of Her Majesty's Reign,

MONCK.

By Command,
JOHN A. MACDONALD.
