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UNION

OF THE

Legislatures of the Provinces

OF

LOWER CANADA

AND

UPPER CANADA.

LONDON:

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT,
STRAND.

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*a - Attorney General (select) of Lower Canada
b - Archbishop of Upper Canada*

ABSTRACT

OF

A BILL FOR UNITING THE LEGISLATIVE
COUNCILS AND ASSEMBLIES

OF THE PROVINCES OF

LOWER CANADA AND UPPER CANADA
IN ONE LEGISLATURE,

AND

TO MAKE FURTHER PROVISION FOR THE GOVERNMENT
OF THE SAID PROVINCES.

LONDON:

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT.

MDCCCXXIV.

ABSTRACT OF A BILL,

“ FOR UNITING THE LEGISLATIVE COUNCILS
“ AND ASSEMBLIES OF THE PROVINCES OF
“ LOWER CANADA AND UPPER CANADA
“ IN ONE LEGISLATURE, AND TO MAKE
“ FURTHER PROVISION FOR THE GOVERN-
“ MENT OF THE SAID PROVINCES.”

—Recites, That an Act was passed in the Preamble.
31st year of the reign of his late Majesty,
intituled “An Act to repeal certain parts of
“ an act passed in the fourteenth year of
“ his Majesty’s reign, intituled ‘An act for 31 Geo. III. c.
31, recited.
“ making more effectual provision for the
“ Government of the province of Quebec,
“ in North America,’ and to make further
“ provision for the Government of the said
“ Province,” in virtue whereof two separate
Legislatures have been constituted in the
provinces of Lower Canada and Upper Ca-
nada; That in the present state and cir-
cumstances of the said Provinces, the es-
tablishment of one joint Legislature for both,
instead of such separate Legislatures, has
become expedient for their security and
prosperity, and would remedy inconve-
niences and evils which have been, and
continue to be, experienced in the said Vide Bill of
1822, § 1.
provinces, from the divided Legislative au-

thority established in them by the said act ;
 therefore it is enacted, that so much of the
 said act as provides for composing and con-
 stituting a legislative Council and Assem-
 bly, within each of the said provinces, and
 for the passing of laws by such legislative
 councils and assemblies, shall be repealed.

So much of
 recited Act as
 provides for
 composing
 and constitut-
 ing a legisla-
 tive council
 and assembly
 in each pro-
 vince repealed

II. After the passing of this Act, there
 shall be one Legislative Council and one
 Assembly for the said Provinces jointly, to
 be called " the Legislative Council and
 Assembly of the Canadas," with whose ad-
 vice and consent His Majesty shall have
 power to make laws, such laws not
 being repugnant to this act, nor to such
 parts of the said act of the 31st Geo. III.
 as are not hereby repealed. All laws so
 passed to be assented to by His Majesty,
 or, in His Majesty's name, by the Governor,
 Lieutenant Governor, or person administer-
 ing the government of the said provinces.

One Legisla-
 tive Council
 and one As-
 sembly, estab-
 lished for both
 provinces, &c.

Vide Bill of
 1822, § 2.

III. The present members of the Legis-
 lative Councils of the two provinces shall
 together constitute the Legislative Coun-
 cil of the Canadas ; with power in His
 Majesty to authorize the Governor to sum-
 mon new members, by an instrument under
 a seal to be appointed by His Majesty, and to
 be called the Great Seal of the Canadas.

The present
 members of
 the Councils
 of the two pro-
 vinces to con-
 stitute the
 Legislative
 council of the
 Canadas, with
 power in His
 Majesty to au-
 thorize the
 Governor to
 summon new
 members.

Vide Bill of
 1822, § 3, 31

Geo. III, c. 31, § 3.

IV. Proviso—That no person shall be summoned to the Legislative Council who is not of the age of twenty-one years, and a natural born subject, or a subject naturalized by Act of the British Parliament, or by Act of the Parliament of the United Kingdom of Great Britain and Ireland, or a subject who has become such by the conquest and cession of Canada.

No person under 21 years of age, &c., to be summoned.

Vide 31 Geo. III. c. 31, § 4. Bill of 1822, § 4.

V. Members of the Legislative Council to hold their seats for life, subject to the provisions for vacating them hereinafter specified.

Members to hold their seats for life. Vide 31 Geo. III. c. 31, § 5. Bill of 1822, § 4.

VI. His Majesty is empowered to annex to hereditary titles of honour the right of being summoned to the Legislative Council, descendible according to the course of descent limited with respect to such title of honour, and persons vested with such right may demand a Writ of Summons to the Council.

His Majesty may annex to hereditary titles of honour the right of being summoned to the Council.

Vide 31 Geo. III. c. 31, § 6. Bill of 1822, § 4.

VII. Proviso—That such descendible right shall be forfeited in the following cases; *viz.*, in the case of absence from the Canadas for the space of four years, without the permission of His Majesty, signified to the Legislative Council, and also where the person applying for a Writ of

Such descendible right forfeited in certain cases.

Vide 31 Geo. III, c. 31, § 7. Bill of 1822, § 4.

Summons has taken an oath of allegiance to any foreign prince or power:—But His Majesty may, if he think fit, by an instrument under his sign manual, direct that such person shall be summoned to the Council. The Governor, before granting a Writ of Summons to a person so applying for it, is required to interrogate him respecting the particulars above mentioned before the Executive Council of the said Provinces.

Seats in Council vacated in certain cases.

Vide 31 Geo. III, c. 31, § 8. Bill of 1822, § 4.

VIII. Proviso—That if any member of the Legislative Council shall be absent from the said Provinces, for four years continually, without the King's permission signified to the Council, or for two years continually, without the governor's permission, signified in like manner, or if he shall take an oath of allegiance to any foreign prince or power, his seat in the Council shall become vacant.

Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the person next entitled thereto.

IX. Proviso—That in cases where hereditary rights and seats have been forfeited or vacated, for any of the causes hereinbefore mentioned, the hereditary right shall remain suspended during the life of the person incurring the forfeiture, or by whom the seat has become vacated, unless His Majesty shall afterwards think

fit to direct that he be summoned to the Council:—But, on the death of such person, the said right, subject to the provisions herein contained, shall descend to the person next entitled thereto, according to the course of descent limited in the letters patent conferring it.

Vide 31, Geo. III, c. 1, § 9
Bill of 1822, § 4.

X. Proviso—that seats in Council shall be forfeited, and hereditary right extinguished, for treason.

Treason—
cause of forfeiture of seats, &c.
Vide 31 Geo 31, § 10.
Bill of 1822, § 4.

XI. Proviso—That when any question shall arise respecting the right of any person to be summoned to the Council, or respecting the vacancy of any seat, such question shall be referred by the Governor to the Council, to be there heard and determined. From their determination the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or the Attorney-General, in His Majesty's name, may appeal to His Majesty in Parliament, whose judgment shall be final and conclusive.

Questions respecting the right to be summoned to Council, &c. to be determined as here- in mentioned.
Vide 31 Geo. III. c. 31, § 11,
Bill of 1822, § 4.

XII. The Governor shall have power by an instrument under the Great Seal of the Canadas, to appoint and remove the Speaker of the said Legislative Council.

The Governor may appoint and remove the Speaker.

Vide 31 Geo. III, c. 31, § 12,
Bill of 1822, § 5.

His Majesty may authorize the Governor to call together the Assembly

Vide 31 Geo. III, c. 31, § 13
Bill of 1822, § 11 6.

XIII. His Majesty, by an instrument under his sign manual may authorize the Governor, in His Majesty's name, by an instrument under the Great Seal of the Canadas, within the time hereinafter mentioned, and from time to time, to summon and call together the Assembly of the Canadas.

For the purpose of electing the Members, the present division of the provinces, and the appointment of the number of Representatives, to be chosen by each, to continue &c. with power in his Majesty as to the appointment of returning officers.

Vide Bill of 1822, § 6, 10, 12.

XIV. For the purpose of electing members of the Assembly, the division of the provinces into districts, counties, cities, towns, and townships, as now established, and the appointment of the number of Representatives to be chosen for each, as now regulated and determined, shall continue to subsist, and be valid for all the purposes of this act; and it shall be lawful for His Majesty to authorize the Governor to appoint returning officers for each of the said districts, &c., subject to the provision hereinafter contained, and unless otherwise provided by an act of the Provincial Legislature.

No person obliged to serve as returning officer more than once, &c.
Vide 31 Geo. III, c. 31, § 16
Bill of 1822, § 10.

XV. Proviso—That no person shall be obliged to serve as returning officer for more than one year, or oftener than once, unless otherwise provided, &c.

The Assembly of the Canadas

XVI. The Assembly of the Canadas

shall consist and be composed of the Representatives now returned to the Assemblies of the said Provinces respectively, and of those which may hereafter be elected and returned, in like number, in their places, to the said assembly, &c., subject nevertheless to the provision hereinafter contained, and to such provisions as may be contained in any Act of the Council and Assembly passed in the manner hereinafter prescribed, and assented to, &c.

to be composed of the Representatives returned to the present Assemblies, &c

Vide Bill of 1822, § 6.

XVII. Proviso.—That the members now composing the Assemblies of the Provinces, with such other Members as may be elected in cases of vacancy, shall constitute the Assembly of the Canadas, till the day of , in the year of our Lord 182 , unless the said Assembly be sooner dissolved, and no longer.

The present Members of the Provincial Assemblies to compose the Assembly of the Canadas, till day of 182 , unless sooner dissolved, and no longer.

Vide Bill of 1822, § 6.

XVIII. Whenever a general election of Members to serve in the said Assembly of the Canadas shall become necessary, writs for the election of members shall be issued by the Governor, within fourteen days after the sealing of the instrument for calling together the Assembly, as aforesaid, which writs shall be directed to the respective returning officers of the districts &c., and be made returnable within fifty

Regulations for issuing writs for the election of members to serve in Assembly.

Vide 31 Geo. III, c. 31, § 18 Bill of 1822, § 10, 12.

days at furthest from the day on which they bear date, unless otherwise provided by an act of the Provincial Legislature; and that writs shall be issued in like manner and form in the case of vacancies, which may have happened in the representation in the present Assemblies, and also in the case of any vacancy to happen hereafter by the death of the person chosen, or by his being summoned to the Legislative Council. The said writs shall be made returnable within fifty days at farthest from the day they bear date, unless otherwise provided, &c., and that when a vacancy shall occur from either of the causes last mentioned, the writ for the election of a new Member shall be issued within six days after it shall be made known to the proper officer for issuing such writs of election.

Returning officers to execute writs.

Vide 31. Geo. III. c. 31. § 19. Bill of 1822. § 10.

XIX. The returning officers are required duly to execute such writs as aforesaid.

His Majesty may authorize the Governor to fix the time and place of holding elections.

Vide 31 Geo. III. c. 31. § 25. Bill of 1822. § 10.

XX. Power is given to His Majesty to authorize the Governor, within each of the said Provinces, to fix the time and place of holding elections of Members to serve in the said Assembly, giving not less than eight days' notice of such time; and sub-

ject, nevertheless, to such provisions as may hereafter be made by any act of the Provincial Legislature.

XXI. The Members for the districts or counties shall be chosen by the majority of votes of such persons as shall severally be seised and possessed in freehold, for their own use and benefit, of lands and tenements held by them in free and common soccage, in fief, in roture, or otherwise, within such district or county, as the case may be, of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of or in respect of the same. The members for the cities or towns shall be chosen by the majority of votes of such persons as either shall be severally seised and possessed in freehold, for their own use and benefit, of a dwelling-house and lot of ground in such city or town, held in free and common soccage, in fief, in roture, or otherwise, of the yearly value of five pounds sterling, or upwards, and of such persons as have been resident within the said city or town for the space of twelve calendar months next before the date of the writ of summons for the election, and have *boná fide* paid one year's rent for the dwelling-house in which they shall have so resided, at the rate of ten pounds sterling per annum, or upwards,

By whom the Members are to be chosen.

Vide 31 Geo. III. c. 31, § 20. Bill of 1822, § 6. 10.

Certain persons not eligible to the Assembly.

Vide 31 Geo. III c. 31, § 21. Bill of 1822, § 10.

XXII. Proviso—That no person shall be capable of being elected a member to serve in the Assembly, or of sitting or voting therein, who shall be a member of the said Legislative Council, or who shall be a minister of the Church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the Church of Rome, or under any other form or profession of religious worship, or who shall have taken an oath of allegiance to any foreign prince or power.

No person under 21 years, and not being a subject of His Majesty, &c., capable of voting.

Vide 31 Geo. III, c. 31, § 22. Bill of 1822, § 10.

XXIII. Proviso—That no person shall be capable of voting at any election of a member to serve in the Assembly, or of being elected at such election who shall not be of the full age of twenty-one years, and a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or by Act of the Parliament of the United Kingdom of Great Britain and Ireland, or a subject who has become such by the conquest and cession of Canada: and in the case of a subject naturalized under or in pursuance of an Act of the British Parliament, it shall also be necessary, to entitle him to be elected a member, that he shall have resided, after having become so naturalized, for the space of seven years next before such

election, in the said Provinces, or one of them, without having been absent from the said Provinces for more than months, at one time, during that period.

XXIV. No person shall be capable of voting, or of being elected, at any such election who shall have been attainted for treason or felony in any court of law within any of His Majesty's dominions, or who shall be within any description of persons disqualified to vote for or be elected a member of the Assembly, as constituted before the passing of this Act, in the Province in which such election shall be had, under any Act of the Legislature of such Province, or who shall be within any description of persons who may hereafter be disqualified by any Act of the Legislative Council and Assembly of the Canadas, assented to, &c.

Nor any person attainted for treason or felony.

Nor any person disqualified by any Act of the Provincial Legislature.

Vide 31 Geo. III, c. 31, § 23 Bill of 1822, § 10.

XXV. Proviso—That every voter, before he is admitted to give his vote at any such election, shall, if required by any of the candidates, or by the returning officer, take the following oath, to be administered in English or French, as the case may require.

Voters, if required, to take the following oath.

Vide 31 Geo. III, c. 31, § 24 Bill of 1822, § 10.

I, A. B, do declare and testify in the presence of Almighty God, that I am, to

Oath.

the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this election.

Every such person shall also make oath, if required, that he is, to the best of his knowledge and belief, duly seised and possessed of such lands and tenements, or of such a dwelling-house and lot of ground, or that he has *bonâ fide* been so resident and paid such rent for his dwelling-house as entitles him, according to the provisions of this Act, to give his vote at such election.

Qualification
in Candidates,
at first general
and all subse-
quent elections
required.

Vide Bill of
1822, § 13.

XXVI. Proviso—That at the first general election to take place after the passing of this Act, and at all subsequent elections, whether general or for particular places, no person shall be capable of being elected a member of the said Assembly, who shall not be seised and possessed in freehold, for his own use and benefit, of lands and tenements held in free and common soccage, in *fief*, in *roture*, or otherwise, within one or other of the said Provinces, of the value of five hundred pounds, sterling, over and above all rents, charges, and incumbrances due and payable upon, from, and out of the same ; and that every

candidate at such election shall, if required by any other candidate, or by the returning officer, take the following oath, to be administered in English or French, as the case may require.

I, *A. B.*, do declare and testify, in the presence of Almighty God, that I am duly seised and possessed in freehold, for my own use and benefit, of lands and tenements, held in free and common soccage, in fief, in roture, or otherwise (as the case may be) within the Province of ———, of the value of five hundred pounds sterling money of Great Britain, over and above all rents, charges, and incumbrances due and payable upon, from, and out of the same ; and that I have not fraudulently or by collusion obtained a title to, or become possessed of, the said lands and tenements, for the purpose of qualifying and enabling me to be returned a member of the Assembly of the Canadas.

XXVII. Persons convicted of swearing falsely respecting their qualification, either as candidates or voters, shall suffer the pains and penalties incurred for wilful and corrupt perjury in the Province in which such false oath has been taken.

Candidates or voters taking false oath to be subject to pains and penalties of perjury.

Vide Bill of 1822, § 14.

Certain provisions contained in Acts of the Provincial Legislatures continued in force.

Vide Bill of 1822, § 10.

XXVIII. Proviso—That nothing in this Act shall extend to repeal all or any provisions contained in any act or acts of the Legislatures of the said provinces respectively, now in force, touching and concerning the duties of returning officers, and the proceedings at elections of members for the Assemblies of the said Provinces, respectively, as constituted before the passing of this act, and also touching and concerning the trial of controverted elections, and the proceedings incident thereto; but that all and every the said provisions shall remain and continue in force in and for the province, for which they were respectively enacted, and be applicable to and in the case of elections of members for the Assembly of the Canadas, in like manner as they would have applied to and in respect of elections of members for the said provincial provinces respectively, if this Act had not been passed, until it shall be otherwise provided, &c.

His Majesty may authorize Governor to fix the time & place for holding the Sessions of Council and Assembly, &c.

XXIX. By this clause His Majesty is empowered to authorize the Governor to fix such places within either of the provinces, and such times, for holding the sessions of the said Legislative Council

and Assembly, as he may think fit, to be afterwards changed or varied as he may judge most advisable, &c., giving due notice thereof; and also to prorogue the said legislative council and assembly from time to time, and dissolve the same by Proclamation or otherwise, whenever he shall deem it necessary or expedient.

and to prorogue and dissolve them.

Vide Bill of 31 Geo. III, c. 31, § 26.
Bill of 1822, § 17.

XXX. Proviso—That the said Legislative Council and Assembly shall be called together once at least in every twelve calendar months, and that every Assembly hereafter to be summoned and chosen shall continue for years, from the day of the return of the writs for choosing the same, and no longer, subject to be sooner prorogued or dissolved.

Council and Assembly to be called together once in every twelve months, &c.

Vide Bill of 31 Geo. III, c. 31, § 27.
Bill of 1822, § 18, 17.

XXXI. Proviso—That the said Council and Assembly shall be called together, for the first time, at some period not later than the day of , in the year of our Lord 182 .

Council and Assembly to be called together for the first time not later than

Vide Bill of 1822, § 17, 31 Geo. III. c. 31, § 49.

XXXII. All questions which shall arise in the said Council and Assembly, respectively, except in the cases in which it is herein otherwise provided, shall be decided by the majority of votes of the members present, and where the votes are equal, the Speaker shall have a casting voice.

All questions in Council and Assembly to be decided by the majority of votes.

Vide 31 Geo. III, 31, § 28.
Bill of 1822, § 19.

No member to sit or vote till he has taken the following Oath

Vide 31 Geo. III, c. 31, § 29. Bill of 1822, § 20.

Oath.

XXXIII. Proviso—That no member either of the said Council or Assembly shall be permitted to sit or vote therein, until he shall have taken the following oath, to be administered in English or French, as the case shall require.

I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of these provinces dependent on and belonging to the said United Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies, and attempts whatever, which shall be made against his person, crown, and dignity: and that I will do my utmost endeavour to disclose and make known to His Majesty, his heirs, and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him or any of them: And all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary. So help me God.

Governor may give or withhold His Majesty's assent to Bills, or reserve them for His Majesty's pleasure.

XXXIV. The Governor by this clause is authorized to declare or withhold His Majesty's assent to any bill presented to

him by his Majesty's assent, or to reserve such bill for the signification of His Majesty's pleasure thereon; but he is to exercise this power subject to the provisions of this Act, and to such instructions as may from time to time be given in that behalf by His Majesty.

Vide 31 Geo. III, c. 31, § 30. Bill of 1822, § 21.

XXXV. Proviso—That when any bill is assented to by the Governor, he is to transmit by the first convenient opportunity, to one of his Majesty's principal Secretaries of State, an authentic copy of it. It shall be lawful for his Majesty, at any time within two years from the receipt of the bill, by his order in Council, to declare his disallowance of such bill; and such disallowance, with a certificate under the hand and seal of the Secretary of State, certifying the day on which such bill was received, being signified by the Governor to the Council and Assembly, or by proclamation, shall make void and annul the same from and after the day of such signification.

Governor to transmit to the Secretary of State copies of such Bills as have been assented to, which His Majesty may declare his disallowance of within two years from the receipt.

Vide 31 Geo. III, c. 31, § 31. Bill of 1822, § 21.

XXXVI. No bill reserved for the signification of his Majesty's pleasure thereon shall have any force within either of the said provinces, till the Governor shall signify by speech or message to the Council and Assembly, or by proclamation, that

Bills reserved for His Majesty's pleasure not to have any force till His Majesty's assent be communicated to the Council and Assembly, &c.

such bill has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to it.—That an entry shall be made in the Journals of the Council of

Vide 31 Geo. III, c. 31, § 32.
Bill of 1822, § 21.

every such speech, message, or proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer, to be kept among the public records of the said provinces. No Bill so reserved shall have any force unless his Majesty's assent thereto shall have been so signified as aforesaid within the space of two years from the day on which it was presented for his Majesty's assent.

XXXVII. Recites that no adequate provision has been made for the representation in the Provincial Legislature, of that part of Lower Canada which has been erected into townships, since the number of representatives for the said Province was first determined by Proclamation, issued by Alured Clarke, Esq., Lieutenant-Governor and Commander-in-Chief, on the 7th May, 1792 ;—Therefore it is enacted—

His Majesty may authorize the Governor from time to time, by proclamation, to disjoin the said townships from the counties in which they are in-

That His Majesty, by an instrument under his sign manual, may authorize the Governor, from time to time, as the progress of settlements and circumstances may render expedient, by Proclamation under the Great Seal of the Canadas, to disjoin the

said townships, or any of them, or any part or parts thereof, from any county or counties in which they may now be included, or of which they may make part, and to divide the said townships into districts, counties, circles, and towns, or any or either of these divisions, and appoint the limits thereof, and declare and appoint the number of representatives to be chosen by each of such districts, &c., to serve in the said Assembly of the Canadas; and also, if he should deem it expedient that any county in which such townships or any of them are situated, now represented by only one member, should, instead of disjoining from it such townships, be represented by two members, to issue a writ or writs for the election of two members to serve for every such county in the said Assembly. It shall also be lawful for his Majesty to appoint returning officers, in each of the said last-mentioned districts, &c., and issue writs of election, &c., in like manner as hereinbefore prescribed. Provided that each of the said new counties into which the said townships shall be divided shall not consist of less than six townships.— Provided also, that the number of representatives for Lower Canada shall not admit of such progressive augmentation beyond sixty, and shall not exceed that number.

cluded, and to divide them into districts, counties, &c., and to appoint the number of representatives to be chosen for them, &c. And also where a county including townships is represented by one member, to issue, if he should think fit, a writ of election for two members for such county.

Each new county shall consist of not less than six townships.

And such increase of members shall not extend beyond sixty, to which number the representatives for Lower Canada shall be limited.

Vide Bill of
1822, § 7.

His Majesty
may authorize
the Governor
to issue writs
for the elec-
tion of mem-
bers for coun-
ties and towns
already erect-
ed, and not
now represent-
ed, and to be
hereafter
erected.

But no county
shall be enti-
tled to a mem-
ber till its
population
amounts to
souls

And no town
shall be enti-
tled to a mem-
ber till its po-
pulation a-

XXXVIII. Recites that it is necessary to provide for the augmentation of the number of Representatives for the Province of Upper Canada, in the said Assembly of the Canadas, as the extension of settlements and the increase of population may require; therefore it is enacted that his Majesty may, by an instrument under his sign manual, authorize the Governor, from time to time, as the erection of new counties and towns, and the increase of population may require, to issue writs of election and appoint returning officers for Members to serve for counties and towns already erected, and not now represented by a member or members chosen by it, in the Assembly of the said Provinces, and for counties and towns hereafter to be erected; provided, that no County already erected, and not now represented by a member or members chosen for it in the Assembly of the said Provinces, or hereafter to be erected, shall be entitled, to be represented by a member chosen by it in the said Assembly of the Canadas, till the population of such county shall amount to thousand souls, and that it shall then be entitled to be represented by one member only; and that no town erected, or to be erected, shall be entitled to be represented in the said Assembly of the

Canadas, till the population thereof shall amount to mounts to thousand souls, nor souls, unless the general quarter sessions of nor unless the quarter sessions be held in it. the peace for the district in which such town shall be situated shall have been appointed to be and shall be held in such town;—provided also, that no county now represented by one member chosen by it, No county to be represented by two members, unless the population amount to in the Assembly of the said Province, souls. nor any County hereafter to be erected, shall be represented by two members, unless the population thereof shall amount to thousand souls; and that no County in the said Province shall in any case be represented by more than two No county to be represented by more than two members. members:—Provided likewise, that no increase of the number of Representatives shall take place beyond sixty, and that the Representatives for the said Province shall not exceed that number. Entire number of Representatives for the Province not to exceed sixty.

XXXIX. It shall not be lawful to present to the Governor, for His Majesty's assent, nor shall such assent be given to, any Act passed by the Legislative Council and Assembly, by which the number of Representatives of either of the said Provinces, or of any District, County, &c., in either of them may be increased, diminished, or in any manner altered, unless such Act shall No Act to be presented for His Majesty's assent, nor such assent to be given to it, by which any change is made in the number of Representatives for each Province, unless such Act be passed by two

thirds at least of the Members present at the second and third reading. Vide Bill of 1822, § 9.

have been passed by two thirds at least of the members present at the time of putting the question for the second and third reading of the same.

After the passing of this Act, all Writs, Proclamations and Instruments relating to the Council, Vide Bill of 1822, § 8. and Assembly, and their Journals and written proceedings, and Reports and proceedings of Committees, to be in the English language only.

Vide Bill of 1822, § 24.

XL. After the passing of this Act, all writs, proclamations, and instruments for summoning and calling together the said Legislative Council and Assembly, and for proroguing and dissolving the same, and all writs of summons, and election, and all writs and public instruments whatever relating to the Council and Assembly, or either of them, and all returns to such writs and instruments, and all and every the journals, entries, and written proceedings of what nature soever of the said Council and Assembly, and of each of them respectively, and all written proceedings and reports of committees of the said Council and Assembly, shall be in the English language only, and not in any other language or tongue whatsoever; and

that after the expiration of one year from the passing of this Act, all writs and process issuing or to be issued out of any and every of His Majesty's Courts of Justice in the said Province of Lower Canada, and all returns to and upon the said writs and process, and all written proceedings thereupon, and all pleadings, indictments, in-

After the expiration of one year from the passing of this Act, all writs and process issuing from His Majesty's Courts of Justice, returns thereto, and all written proceedings in the courts and which

formations, inquisitions, presentments, verdicts, commissions, bonds, recognizances, entries, records, and judgments, and all proceedings whatsoever reduced to writing, in His Majesty's said Courts of Justice, and which concern the law and administration of justice (save and except affidavits and depositions of witnesses, which may be taken in the French language in all cases where the persons making such affidavits or depositions cannot speak the English language) shall be in the English language only, and not in any other language or tongue whatsoever: any law, usage, or custom to the contrary notwithstanding.—And all persons offending against these provisions, or any of them, shall, for every such offence, forfeit and pay the sum of _____ sterling money of Great Britain, to any person who shall sue for the same, &c.

concern the law and administration of justice (except affidavits and depositions of witnesses who cannot speak English) shall be in the English language.

Penalty for offending against this Act.

XLI. All Laws in force, at the time of passing this Act in the said Provinces or any part of the said Provinces, respectively, shall remain and continue in force in each of them, as if this Act had not been made, except in so far as the same are repealed or varied by this Act, and in so far as they may hereafter be repealed or varied by His Majesty, with the advice and consent

Laws in force at the time of passing this Act to continue so, except repealed or varied by it, &c. Vide 31 Geo. III, c. 31, § 33. Bill of 1822, § 22.

of the Legislative Council and Assembly
of the Canadas.

Confirmation
of certain provi-
sions relating
to the Clergy
of the Church
of Rome, &c.
Vide 31 Geo.
III, c. 31, § 35.
Bill of 1822,
§ 25.

XLII. Recites part of the 5th and the whole of the 6th section of the Act 14, Geo. III. c. 83, respecting the Clergy of the Church of Rome, and their accustomed dues and rights, and his Majesty's Royal Instructions of the 3d January, 1775, to Lord Dorchester relating to the same sections, with the confirmation thereof contained in the Act 31 Geo. III, c. 31, s. 35. and then enacts that the said Declaration and Provision contained in the said Act of the 14 Geo. III. c. 83. and also the Provision made in consequence thereof by His Majesty's instructions above mentioned, shall remain and continue in force, except in so far as they may be expressly varied or repealed by any Act passed by the Legislative Council and Assembly, assented to, &c. under the restriction herein after provided.

Acts of the Leg-
islative Coun-
cil and Assem-
bly containing
provisions of
the nature
herein men-
tioned to be
laid before
Parliament be-
fore receiving
His Majesty's
assent. &c.

XLIII. Proviso.—That whenever any Act or Acts shall be passed by the said Legislative Council and Assembly, containing any provisions to vary or repeal the said declaration and provision, contained in the said Act, 14 Geo. III., c. 83, or to vary or repeal the provisions herein before

contained for continuing the force and effect of the said declaration and provisions, or to vary or repeal any of the provisions contained in the said Act of the 31st Geo.

Vide 31 Geo.
III, c. 31, § 31.
Bill of 1822,
§ 26.

III. c. 31, respecting the allotment and appropriation of lands for the support of a Protestant Clergy, within the said Provinces, or respecting the constituting, erecting, or endowing parsonages or rectories within the said Provinces, or respecting the presentation of incumbents or ministers to the same, or respecting the manner in which such incumbents or ministers shall hold and enjoy the same; and also that whenever such act or acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship, or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same, or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein before mentioned, or shall in any manner or way relate to the granting, imposing, or recovering any of the dues, stipends or emoluments whatever to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any

form or mode of worship, in respect of his said office or function, or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the Ministers and members thereof within the said provinces, or shall in any manner relate to or affect the King's prerogative, touching the granting of waste lands of the Crown within the said provinces;—every such act shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty to signify his assent to any such act, until thirty days after it shall have been laid before the said Houses, or to assent to any such act in case either House of Parliament shall, within the said thirty days, address His Majesty to withhold his assent; and that no such act shall be valid unless the Legislative Council and Assembly shall in the same session in which it shall have been passed, have presented to the Governor an address or addresses, specifying that such act contains provisions for some of the said purposes herein before specially described, and desiring that in order to give effect to the same, such act should be transmitted to England, without delay, for

the purpose of being laid before Parliament, previous to the signification of His Majesty's assent thereto.

XLIV. Recites Act 18, Geo. III. c. 22. Vide 31 Geo. III. c, 31, § 46. relating to the taxation of the Colonies by the Parliament of Great Britain, and that it is necessary for the general benefit of the British Empire, that such power of regulation of commerce should continue to be exercised; &c., therefore it is enacted that nothing in the act shall extend to prevent or affect the execution of any law which has been made by his Majesty and the Parliament of Great Britain, or the Parliament of the United Kingdom, or which shall hereafter be made by His Majesty and the said Parliament of the United Kingdom, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties, for the regulation of the navigation, or for the regulation of commerce to be carried on between the said two Provinces, or between either of them and any other part of His Majesty's dominions, or between either of the said Provinces and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to His Majesty any

power or authority, with the advice and consent of the said Legislative Council and Assembly, to vary or repeal any such law, or in any manner to prevent or obstruct its execution.

Such duties to be applied to the use of the said Provinces
Vide 31 Geo. III, c. 31, § 47.

XLV. Proviso.—That the net produce of all duties so imposed shall be applied to the use of the said Provinces, and in such manner only as shall be directed by any law made by his Majesty with the advice and consent of the said Council and Assembly.

XLVI. Recites that certain provisions contained in the Act 3d Geo. IV., c. 119, have, by reason of the enactments herein contained, ceased to be necessary or applicable to the Provinces under one Legislature;—Therefore it is enacted that the said provisions contained in the 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, and 29th clauses of the said Act mentioned, touching and concerning the appointment of arbitrators to hear and determine all claims of Upper Canada on Lower Canada on account of drawbacks, or a proportion of duties, &c., &c., shall, from and after the passing of this Act, be repealed.

17th, 18th,
19th, 20th,
21st, 22d, 23d,
24th, 25th,
26th, 27th,
and 29th
clauses of Act
Geo. IV., c.
119, repealed.

XLVII. All accounts, &c., directed to be laid before the Councils and Assemblies of the said Provinces respectively, by any Act now in force, shall be laid before the said Legislative Council and Assembly, &c.

All accounts, &c., directed to be laid before Councils and Assemblies of the two Provinces to be laid before the said Legislative Council and Assembly. Vide Bill of 822, § 27.

LONDON:
PRINTED BY WILLIAM CLOWES,
Northumberland-court.

