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III. GEO. IV.—SESS. 1822.

6

F. Ch. 308.



BILL

(AS AMENDED BY THE COMMITTEE)

FOR UNITING THE LEGISLATURES

OF

LOWER & UPPER CANADA.

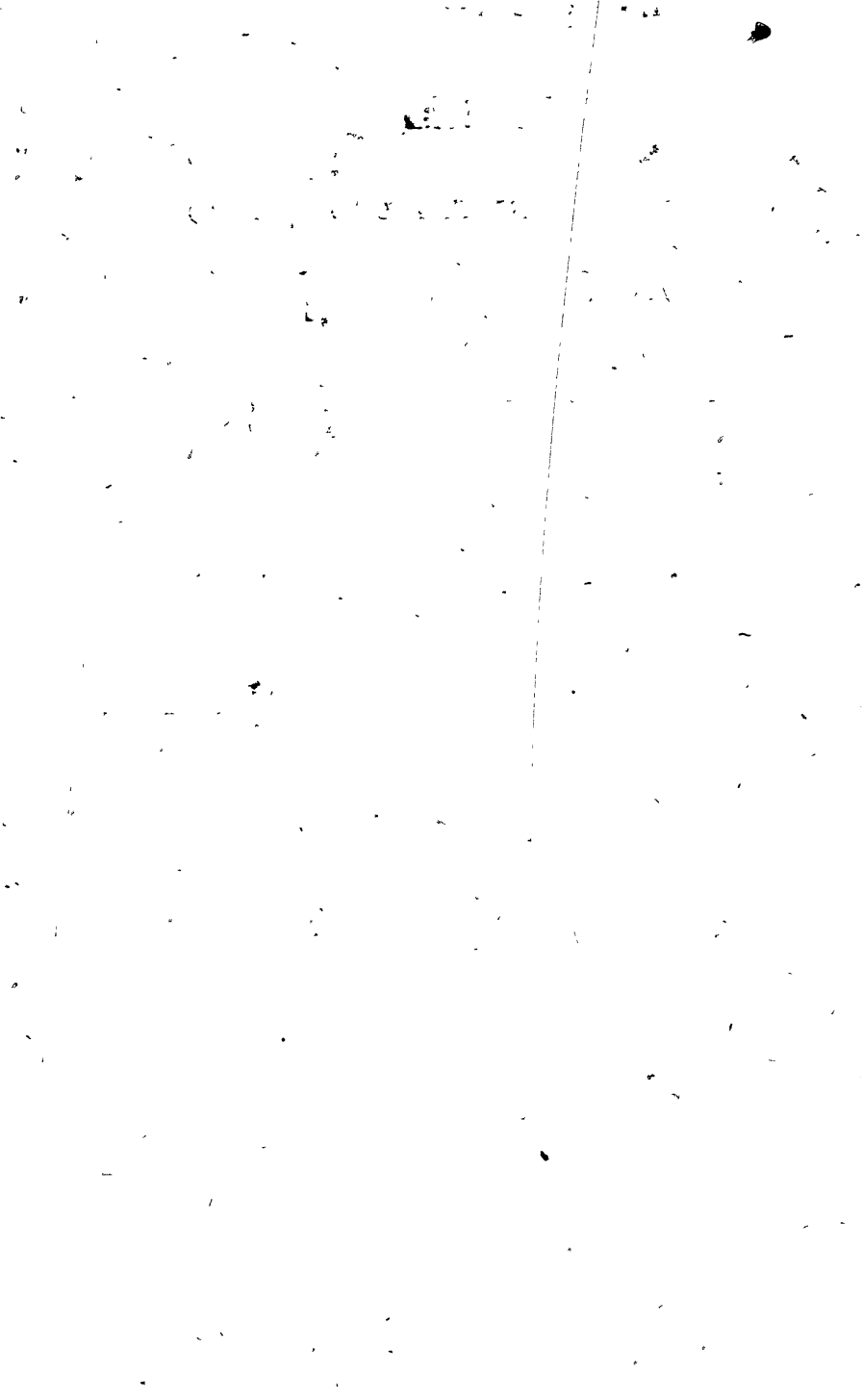
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31st JULY, 1822.

Quebec :

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1822.



BILL

[AS AMENDED BY THE COMMITTEE]

For Uniting the Legislatures of the Provinces

OF

LOWER AND UPPER CANADA.

WHEREAS in the present situation of the Provinces of *Lower and Upper Canada*, as such with relation to *Great Britain* as to each other, a joint Legislature for both the said Provinces would be more likely to promote their general security and prosperity than a separate Legislature for each of the said Provinces, as at present by law established; —Be it therefore enacted by the King'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, That so much of an Act passed in the thirty-first year of the reign of His late Majesty King *George the Third*, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of *Quebec in North America*," and to make further provision for the Government of the said Province," as provides for the composing and constituting within each of the said Provinces respectively, a Legislative Council and Assembly, and for the passing of laws by the Legislative Council and Assembly of each Province, shall be and the same is hereby repealed, except in so far as the same or any of the provisions

Preamble.

So much of
31 Geo. 3,
c 31, as pro-
vides a Le-
gislation for
each of the
Provinces of
Lower and
Upper Can-
ada, re-
pealed.

ons thereof, may by this present Act be continued or applied to the purposes of the joint Legislature, to be constituted in manner hereinafter mentioned: Provided also, that so much of an Act passed in the fourteenth year of the reign of his said late Majesty, intituled, "An Act for making more effectual provision for the Government of the Province of *Quebec* in *North America*," as is repealed by the said Act passed in the thirty-first year aforesaid, shall be deemed and taken to be, and shall remain repealed.

Henceforth to be one joint Legislative Council, and one joint Assembly for both Provinces.

II. And be it further enacted, That from and after the passing of this Act, there shall be within the said two Provinces, and for the same jointly, one Legislative Council and one Assembly, to be composed and constituted in manner hereinafter described, and which shall be called "The Legislative Council and Assembly of the *Canadas*;" and that within the said Provinces, or either of them, His Majesty, His Heirs or Successors, shall have power, during the continuance of this Act, by and with the advice and consent of the said Legislative Council and Assembly of the *Canadas*, to make laws for the peace, welfare and good government of the said Provinces, or either of them, such laws not being repugnant to this Act, nor to such parts of the said Act passed in the thirty-first year aforesaid, as are not hereby repealed; and that all such laws being passed by the said Legislative Council and Assembly, and assented to by His Majesty, His Heirs or Successors, re-assented to in His Majesty's name by the Governor-in-Chief in and over the said Provinces of *Lower* and *Upper Canada*, or in case of the death or absence of such Governor-in-Chief, by the Lieutenant Governor of the Province of *Upper Canada*, for the time being, or in case of the death or absence of such Lieutenant Governor, then by the Lieutenant Governor of *Lower Canada*, for the time being, or in case there should be no Lieutenant Governor at such time resident in the Province of *Lower Canada*, then by the person administering the government thereof for the time being, shall be and the same are hereby declared to be, by virtue of and under the authority of this Act, valid and binding to all intents and purposes whatever within the said two Provinces.

Joint Legislative Council to consist

III. And be it further enacted, That the present Members of the Legislative Councils of *Lower* and *Upper Canada* shall, by virtue of this Act, and without any new
or

or other commissions for that purpose, constitute together the Legislative Council of the *Canadas*, which said Members shall take precedence in the joint Legislative Council according to the date of the instruments by which they were originally summoned to the Legislative Councils of the two Provinces respectively; and that it shall also be lawful for His Majesty, his Heirs or Successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the said Governor-in-Chief, or in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, to summon to the said Legislative Council, by an instrument, under a seal to be transmitted by His Majesty to the Governor-in-Chief, or under any other seal which the said Governor-in-Chief shall be by His Majesty directed to use for the purposes of this Act, and which shall be called the Great Seal of the *Canadas*, and shall be applied only to the purposes directed by this Act, such other person or persons as His Majesty, His Heirs or Successors, shall think fit; and that every person who shall be so summoned to the said Legislative Council, shall thereby become a member thereof.

of the present Members of both Councils.

Other Persons may be summoned.

IV. And it is further enacted, That such persons only shall be summoned to the said Legislative Council, as by the said above-mentioned Act, passed in the thirty-first year aforesaid, are directed to be summoned to the Legislative Council of the said two Provinces respectively; and that every Member of the said Legislative Council shall hold his seat for the same term, and with the same rights, titles, honours, ranks, dignities, privileges and immunities, and subject to the same provisions, conditions, restrictions, limitations and forfeitures, and to the same mode of proceeding, for hearing and determining by the said Legislative Council all questions which shall arise touching the same, as are in the said Act, passed in the thirty-first year aforesaid, mentioned and contained, with respect to the Members thereby directed to be summoned to the Legislative Council of the two Provinces respectively.

Such Persons only shall be summoned as directed by 31, G. 3.

V. And be it further enacted, That the Governor-in-Chief, or in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, shall have power and authority from time to time, by an instrument under the Great Seal of the *Canadas*, to constitute appoint and remove the Speaker of the said Legislative Council.

Governor to appoint and remove the Speaker of the Legislative Council.

VI.

Joint Assembly to consist of the present Members of both, and to continue until 1 July, 1825, unless sooner dissolved.

VI. And be it further enacted, That the Members at present composing the Assemblies of the said two Provinces shall, together with such new Members as shall or may be returned for either of the said Provinces respectively, in manner hereinafter mentioned, form and constitute the Assembly of the *Canadas*, and shall be and continue until the first day of July one thousand eight hundred and twenty-five, unless sooner dissolved; and that in case of a dissolution of the said Assembly, or of vacancies occurring therein, Members shall be returned for the same counties and places, and in the same manner, and in the same numbers, except as hereinafter otherwise provided, as now by law they are returned within the two Provinces respectively.

Act of Upper Canada, 66 G. 3, to continue in force.

VII. And whereas an Act was passed by the Provincial Legislature of *Upper Canada*, in the sixtieth year of the reign of his said late Majesty, intituled, "An Act for increasing the Representation of the Commons of this Province in the House of Assembly;" be it therefore further enacted, that the said Act, and all the provisions therein contained, except as hereinafter otherwise provided, shall remain in full force and effect, and shall be applied to the representation of the said Province of *Upper Canada* in the joint Assembly, in like manner as the same were applicable to the representation thereof in the Assembly of the said Province of *Upper Canada* before this Act was passed.

Governor of Lower Canada may erect new Counties out of the Townships to be represented in the Assembly.

VIII. And be it further enacted, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of the said Province of *Lower Canada* for the time being, from time to time as he shall judge expedient, from and out of that part of the said Province of *Lower Canada* which has been erected into Townships since the number of representatives for the said Province was settled by Proclamation, to form and erect new Counties, by instrument or instruments under the Great Seal of the said Province, each such new County to consist of not less than six Townships; and that when and so often as any such new County shall be formed and erected as aforesaid, the Governor, Lieutenant Governor or person administering the Government of the said Province of *Lower Canada*, shall issue a writ for the election of one Member to serve for the same in the Assembly; and that whensoever the said Governor, Lieutenant Governor, or person administering the Government as aforesaid, shall deem it expedient that any such new County,

County, or any County heretofore erected within the said Province of *Lower Canada*, and at present represented by only one Member, shall be represented by two Members, he shall in like manner issue writs for that purpose: Provided always, that no subdivision of any Counties now erected or to be hereafter erected within either of the said Provinces, except as hereinbefore provided with respect to the said Townships, shall extend or be construed to extend to increase the number of representatives for such Counties: Provided also, that the number of representatives for each Province shall not exceed sixty.

IX. And be it further enacted, That no Act by which the number of representatives of either Province shall be altered, shall hereafter be passed by His Majesty, by and with the advice and consent of the said Legislative Council and Assembly, unless the same shall have been passed by two-thirds at least of the Members present at the question for the second and third reading of the same in the said Legislative Council and Assembly respectively.

No Act to alter the number of Representatives to be passed, unless by Two-thirds of both Houses.

X. And be it further enacted, That all and every the provisions and regulations respecting the appointment and nomination, duties, privileges and liabilities of returning officers for either of the said Provinces respectively, and respecting the eligibility, qualification and disability of persons to sit as Members in the said Assembly, or to vote on the election of such Members, and respecting any oath to be taken by candidates or voters at such elections, and respecting all other proceedings at such elections, and respecting the times and places of holding such elections, as are contained in the said abovementioned Act, passed in the thirty-first year aforesaid, except in so far as the said provisions and regulations are hereby in anywise altered, shall remain and continue in force in both of the said Provinces; and that all and every the provisions and regulations respecting the objects above enumerated, or any of them, which are contained in any Act or Acts of the Provincial Legislatures, which are now in force in either of the said Provinces respectively, shall remain and continue in force within such Province, except as the same are hereby in anywise altered, until otherwise provided for by the joint Legislature.

Provisions of 31, G. 3, respecting Elections, to remain in force.

XI. And be it further enacted, That when and so often hereafter as it may be necessary to summon and call together

Governor may summon a new Assembly.

gether a new Assembly for the said two Provinces, it shall and may be lawful for the said Governor-in-Chief, or in case of his death or absence, then for such other person, and in such order respectively as is hereinbefore directed, by an instrument under the said Great Seal of the *Canadas*, to summon and call together the said Assembly as hereinafter expressed and provided.

And shall issue Writs for the election of Members, as directed by 31 Geo. 3.

XII. And be it further enacted, That Writs for the election of Members to serve in the said Assembly, shall be issued by the Governor, Lieutenant-Governor, or person administering the government of the Province within which such members shall be chosen respectively, in the same manner and directed to the same officers, and returnable within the same period, as in and by the said Act made and passed in the thirty-first year aforesaid, is directed and provided.

Qualification in future to be real property, to the value of £500 sig.

XIII. And be it further enacted, That on the first general election of Members for the said Assembly, which shall take place from and after the passing of this Act, and on all subsequent elections, whether general or for particular places, in cases of vacancy, which shall be holden in either of the said Provinces, no person shall be capable of being elected, who shall not be legally possessed to his own use and benefit, of lands and tenements within one or other of the said Provinces, of the value of Five hundred pounds sterling over and above all rents, charges and incumbrances which may affect the same, such lands and tenements being by him held in freehold, in fief or in roture; and that every candidate at such election, before he shall be capable of being elected, shall, if required by any other candidate, or by the returning officer, take an Oath in the following form, or to the following effect :

Oath to that effect.

“ I, *A. B.* do swear, that I am legally and *bonâ fide*
 “ possessed to my own use and benefit, of lands and tene-
 “ ments within the Province of *Canada*,
 “ of the value of _____ sterling, over
 “ and above all rents, charges and incumbrances which
 “ may affect the same; and that the said lands and tene-
 “ ments are by me held in freehold, in fief, or in roture
 “ [*as the case may be*]; and that I have not obtained the
 “ same fraudulently, for the purpose of enabling me to be
 “ returned Member to the Assembly of the *Canadas*; and
 “ also that I am otherwise qualified, according to the
 provisions

“provisions of law, to be elected and returned to serve as a Member thereof.”

Provided always, that nothing in this Act contained shall be construed to affect any Act now in force in either of the said Provinces respectively, relating to the qualification (other than as respects property) of any candidate or voter at elections.

XIV. And be it further enacted, That if any person shall knowingly and wilfully take a false oath respecting his qualification, either as candidate or voter at any election as aforesaid, and shall thereof be lawfully convicted, such person shall be liable to the pains and penalties by law inflicted on persons guilty of wilful and corrupt perjury in the Province in which such false oath shall have been taken.

Persons swearing falsely guilty of perjury.

XV. And be it further enacted, That whenever hereafter any question shall arise touching the validity of the election or return of any person in either Province to serve in the Assembly, such question shall be tried in the Joint Assembly, according to the mode of proceeding now established by law in that Province in which the disputed election or return shall have been made, until a uniform course of proceeding shall be duly established for both Provinces.

Trials of contested Elections.

XVI. And be it further enacted, That it shall and may be lawful for the said Governor in Chief, or in case of his death or absence, then for such other person, and in such order respectively as is hereinbefore directed, if at any time he shall deem it expedient, to summon and authorize, by an instrument under his hand and seal, two Members of the Executive Council of each Province to sit in every Assembly, with power of debating therein, and with all other powers, privileges and immunities of the Members thereof, except that of voting.

Governor may summon Two Members of the executive Council of each Province to the Assembly.

XVII. And be it further enacted, That the said Legislative Council and Assembly shall be called together for the first time at some period not later than the first day of September one thousand eight hundred and twenty-four, and once afterwards in every twelve calendar months, and that the said Governor in Chief, or in case of his death or absence, such other person, and in such order respectively as is hereinbefore directed, shall and may convene the first

Joint Legislature to be summoned not later than 1st September 1824, and once every twelve months afterwards.

and every other session of the said Legislative Council and Assembly, at such places within either Province, and at such times, under the restrictions aforesaid, as he shall judge most conducive to the general convenience, giving due and sufficient notice thereof, and shall have power to prorogue the same from time to time, and to dissolve the same by proclamation or otherwise whenever he shall deem it necessary or expedient.

Every future Assembly to continue five years.

XVIII. And be it further enacted, That every Assembly hereafter to be summoned and chosen, shall continue for five years, from the day of the return of the writs for choosing the same, and no longer; subject nevertheless to be sooner prorogued or dissolved by the said Governor in Chief, or in case of his death or absence, by such other person, and in such order respectively as is hereinbefore directed.

Majority of votes to decide.

XIX. And be it further enacted, That all questions which shall arise in the said Legislative Council or Assembly, except in the cases herein otherwise provided, shall be decided by the majority of voices of such Members as shall be present; and that in all cases where the voices shall be equal, the Speaker of such Council or Assembly shall have a casting voice.

Oath prescribed by 31 G. 3. to be taken.

XX. Provided always, and be it further enacted, That no Member either of the Legislative Council or Assembly shall be permitted to sit or vote therein, until he shall have taken and subscribed the oath prescribed for that purpose by the said Act passed in the thirty-first year aforesaid, before a person duly authorized to administer the same, as in and by the said Act is directed.

Royal Assent to be declared or withheld, as prescribed by 31 G. 3.

XXI. And be it further enacted, That any Bill which shall be passed by the Legislative Council and Assembly shall be presented for His Majesty's assent to the said Governor in Chief, or in case of his death or absence, to such other person, and in such order respectively, as is hereinbefore directed, who shall, according to his discretion, declare or withhold His Majesty's assent to such Bill, or reserve such Bill for the signification of His Majesty's pleasure thereon, subject always to the same provisions and regulations with respect to Bills which may either be assented to, or from which His Majesty's assent may be withholden, or which may be reserved as aforesaid, as the case may be, as in and by the said Act, passed in the thirty-first

first year aforesaid, are contained and enacted with regard to such Bills respectively.

XXII. And be it further enacted, That all laws, statutes or ordinances which are in force at the time of passing of this Act, within the said Provinces or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority and effect in each of the said Provinces respectively as if this Act had not been made, except in as far as the same are repealed or varied by this Act, or in so far as the same shall or may be hereafter by virtue of and under the authority of this Act repealed or varied by His Majesty, His Heirs or Successors, by and with the advice and consent of the said Legislative Council and Assembly.

All Laws now in force to continue, except as hereby repealed or altered.

XXIII. And be it further enacted, That all rights, privileges, immunities and advantages which are at present legally exercised and enjoyed by the Members of the Assemblies of *Lower and Upper Canada* respectively, shall continue to be exercised and enjoyed by them as Members of the said Assembly of the *Canadas*, in as full and as ample a manner as heretofore: Provided always, that no privilege of the said Legislative Council or of the said Assembly, shall extend or be construed to extend to authorize the imprisonment of any of His Majesty's subjects not being Members of the said Legislative Council or of the said Assembly, or officers or servants of the said bodies respectively, until an Act be passed declaratory of the rights and privileges of the said bodies in this respect.

Privileges of Members to continue.

XXIV. And be it further enacted, That from and after the passing of this Act, all written proceedings of what nature soever of the said Legislative Council and Assembly, or either of them, shall be in the *English* language and none other; and that at the end of the space of fifteen years from and after the passing of this Act, all debates in the said Legislative Council or in the said Assembly, shall be carried on in the *English* language and none other.

Henceforth all written Proceedings and after 15 years, all Debates to be in English alone.

XXV. And whereas by the said Act of the Imperial Parliament of *Great Britain*, made and passed in the fourteenth year aforesaid, intituled, "An Act for making more effectual provision for the Government of the Province of *Quebec*, in *North America*," it was, amongst other things, declared, that his Majesty's subjects, professing the religion of the church of *Rome* of and in the said Province of *Quebec*, might have, hold and enjoy the free exercise of the said religion, subject to the King's supremacy as in the said Act mentioned, and that the clergy of the said

Persons professing the Religion of the Church of Rome, not to be affected.

said church might hold, receive and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion;—Be it therefore further enacted and declared, that nothing in this Act contained, nor any Act to be passed by the said joint Legislature, nor any resolution or other proceeding of the said Legislative Council or Assembly, shall in anywise affect or be construed to affect the free exercise of the religion of the Church of *Rome*, by His Majesty's subjects professing the same, within either of the said Provinces, but the same may continue to be exercised, and the clergy of the said church and the several curates of each respective parish of the said Province of *Lower Canada*, now performing the clerical duties thereof, or who shall hereafter, with the approbation and consent of His Majesty, expressed in writing by the Governor or Lieutenant Governor, or person administering the Government of the said Province of *Lower Canada* for the time being, being thereto duly collated, appointed or inducted, may continue to hold, receive and enjoy their accustomed dues and rights in as full and ample manner, to all intents and purposes, as heretofore, and as is provided and declared by the said last-mentioned Act.

Certain provisions of 31 G-3, to extend to Acts to be passed by the joint Legislature.

XXVI. And be it further enacted, That all the provisions, regulations and restrictions made and imposed in and by the said Act, passed in the thirty-first year aforesaid, with respect to any Act or Acts containing any provisions of the nature therein particularly mentioned and specified, shall, and the same are hereby declared to extend and apply to each and every Act which shall be passed by the said Legislative Council and Assembly, and which shall contain any provisions of the nature in and by the said last-mentioned Act set forth and specified.

Accounts, &c. to be laid before the Legislature.

XXVII. And be it further enacted, That all and every the accounts, returns, papers, and documents, which by any Act now in force in either Province, are directed to be laid before the Legislature thereof respectively, shall, under the penalties therein provided, be in like manner transmitted and laid before the Legislature of the *Canadas*, during the continuance of such Acts.

Salaries of Officers of the Legislature to continue till otherwise provided for.

XXVIII. And be it further enacted, that the officers and other persons receiving salaries or allowances in respect of services rendered by them in the Legislatures of their respective Provinces, shall continue to receive such salaries and allowances as heretofore, until otherwise provided for by any Act which shall be passed by His Majesty, His Heirs or Successors, with the advice and consent of the Legislative Council and Assembly of the *Canadas*.