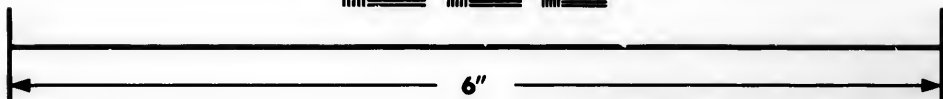
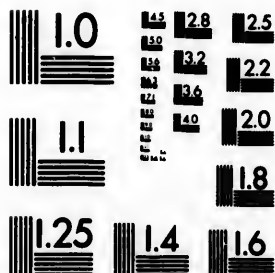


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1983

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/
Couverture de couleur
- Covers damaged/
Couverture endommagée
- Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- Cover title missing/
Le titre de couverture manque
- Coloured maps/
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- Bound with other material/
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:/
Commentaires supplémentaires:

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
					✓						

The copy filmed here has been reproduced thanks to the generosity of:

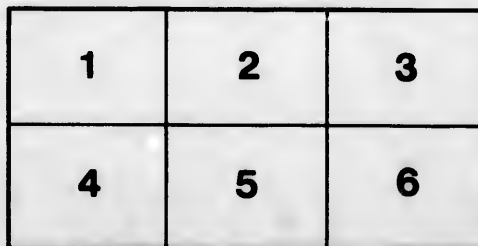
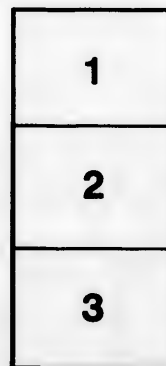
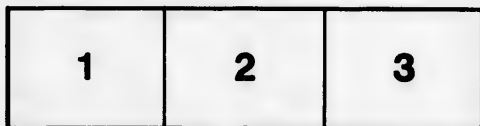
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

ire
détails
es du
modifier
er une
filmage

es

errata
i to

t
e pelure,
on à



FEDERATIVE UNION

OF THE

**BRITISH NORTH AMERICAN
PROVINCES.**

BY HENRY SHERWOOD.

Toronto:

**PRINTED BY LOVELL AND GIBSON, FRONT STREET.
1851.**

148539

F5076

S4

1251

FEDERATIVE UNION
OF
THE BRITISH NORTH AMERICAN PROVINCES.

TO THE EDITOR OF THE BRITISH COLONIST.

SIR,—I beg leave, through the medium of your paper, in the present peculiar position of our affairs, to propose for the consideration of the people, a scheme for a Federative Union of all the British North American Colonies; by means of which a more satisfactory arrangement of our political condition may be expected. The views I entertain upon this important subject are by no means new, so far as regards myself; for upon reference to the Journals of the House of Assembly of Upper Canada so far back as February in the year 1838, it will be seen that a similar project is recommended in general terms, in a Report made by me as Chairman of a Committee, upon the then political state of the Province. Some ten or twelve years experience since then, however, has convinced me of the necessity of introducing the elective principle to a greater extent into our institutions than I at that time thought was compatible with our form of Government. But I am now satisfied that the further local self-government can be safely and consistently extended in these Colonies, the more closely will our ties of connection with the parent state be cemented. All our institutions and laws are founded upon the broad principles of real and substantial freedom

I would then, in the first place, suggest, that a definite and explicit constitution for a Federative Government, to be established in these British Provinces, be prepared by the British Government, and be given to us under the sanction and authority of an Act of the Imperial Parliament, which before coming into force, however, should be submitted to the Provinces respectively for their adoption, in such manner as may be agreed upon by all parties concerned.

The result of such a union will, in my opinion, be the permanent establishment of British ascendancy throughout the whole of Her Majesty's North American Possessions. The inhabitants of these Colonies are loyal; and they are so, not merely from the abstract sentiment of loyalty, or from interest, but because they are convinced that the stability of their institutions can be best secured by maintaining the connection with the mother country. By such a union, these extensive Colonies would be enabled so to increase and distribute their resources for the benefit of all, that the abundance and facilities of national wealth would lead to, and advance their common interests, and place them at once on a level with many powerful nations.

On this federation being formed, our beloved Queen could not give her loyal and devoted subjects, in these remote parts of her dominions, more grateful evidence of Her Majesty's desire to perpetuate their allegiance, than by incorporating in her royal title the distinct claim of sovereignty over these Her Majesty's possessions. Such an act of condescension and grace, would produce an important effect throughout the whole extent of the North American continent.

In such case, the title of the person to be appointed by Her Majesty as Her Representative to the Federal Government, should be that of "Vice-Roy;" and combined with integrity and talent, such as will at once command confidence and respect; he should also be possessed of high rank and distinction as a public

man; and he, being unquestionably recognized as an Imperial functionary, charged with the protection of national interests, and the official organ of communication between the Parent State and the Colonies, his salary should be fixed by Her Majesty, and paid out of the treasury of the United Kingdom—and in him the supreme executive power, under the federative constitution, should be vested.

The Federative Legislature should consist of the "Vice-Roy," to be appointed by Her Majesty as aforesaid, and two Chambers, both of which should be elective.

It has been justly and ably remarked, on more occasions than one, that the construction of the Legislative Council, as it at present exists in Canada, is decidedly wrong. It is inconsistent with the harmonious working of the present mode of Government and its useful influence as a legislative body. With a majority created by the Government of the day for securing party measures, it is for most essential purposes, but the subservient instrument of the Provincial Government. The same majority upon a change of parties would make it an obstructive body, opposed to the existing administration, and the wishes of the people as expressed by their representatives in Parliament. The most efficient remedy, therefore, is to be found in the election of that Chamber by the people for a limited period—the members going out by sections, periodically. Thus this body would be brought nearer to the feelings, and would more perfectly reflect the opinions of the country; while the periodical elections would enable the people to correct the inconveniences that occasionally might arise from its composition by an infusion of new members.

The Legislature thus constituted should have power to legislate on all questions connected with the *public domain*, on all questions of *trade and commerce* and *postal arrangements*—the construction of *public canals* and *railroads* running through more than one Province—the representation, as affects the federatiye

Government generally, including the manner in which the elective franchise is to be exercised, and all such other matters as necessarily concern the interests of more than one or of all the Provinces. In furtherance of this plan, and as a necessary condition, a constitution must be granted to each of the Provinces comprising the Federation, by an Act of the Imperial Parliament. Each to have a Legislature consisting of a Governor to be appointed by the "Vice-Roy," subject to the approval of the second Chamber or Senate of the Federative Government, to be elected as aforesaid, or to be elected by the people, and of two chambers, also to be both elective.

Each Provincial Legislature to exercise powers limited to the adoption of laws for their local and domestic governments respectively.

In connection with this plan, I would further suggest that the constitution of the Federative Government should provide for the erection of a Superior Court, to be called the "Supreme Court of the United Provinces," to consist of the Chief Justice of each of the Superior Courts of Law in the respective Provinces, to have power to hear and determine, and finally to adjudicate upon all objections which may at any time be raised against the constitutionality of any law to be passed by the Federative or Provincial Legislatures, respectively, possessing such powers and jurisdiction, for instance, as the Supreme Court of the United States at Washington now possesses and exercises, under the constitution of that country.

Your obedient servant,

HENRY SHERWOOD.

TO THE EDITOR OF THE BRITISH COLONIST.

SIR,—Doubts seem to have arisen in the minds of some persons as to my meaning in reference to a portion of the plan for the Federative Union of the British North American Colonies, suggested in my letter to you of last week, which I now take the liberty of explaining. It is thought I intended, in the event of the proposed Federation being formed, that the union between Upper and Lower Canada should nevertheless continue as at present. Such was not my intention. Upon the proposed Federation taking place, the union between the two Canadas should at once be dissolved, and these Provinces should be restored to the same position which they respectively held before that period; except, indeed, it may be thought prudent so to extend the boundaries of Upper Canada as to include in it the eastern townships of Lower Canada, which are almost entirely settled by inhabitants of British origin.

Another great advantage to be derived from the Federation I propose, and which I did not mention in my first letter, is, that by such an arrangement a vaster and more extensive field, than has heretofore existed, would be opened for the genius and talents of the youth of these Provinces. Hitherto the exertions of public men have been confined within the limits of contracted localities; but now, as every avenue of learning is thrown open to the young men of the country, and the opportunity of obtaining a liberal education is far greater than it was a few years ago, a more extended stage for action should be afforded to them. The plan I propose offers that great advantage, and I venture to predict, in the event of its being carried out, that in the course of a very few years, statesmen will spring up in British North America who would be considered an honour and a credit to any country.

Your obedient servant,

HENRY SHERWOOD.

Toronto, November 4, 1850.

Without pretending to enter fully into all the provisions which may be required in matters of detail or of a technical nature, the following will shew the leading enactments which ought in my opinion to form the substance of an Act by the Imperial Parliament for the Union of the British North American Provinces.

HENRY SHERWOOD.

Toronto, March 6, 1851.

THE FEDERAL LEGISLATURE.

Last Census.

Upper Canada,	723,087
Lower Canada,	788,334
New Brunswick,	230,000
Nova Scotia,	278,805
Prince Edward,	62,673
Newfoundland,	91,264
	2,174,268
Hudson Bay,	160,000
	2,334,268

Extent of Territory in square miles.

Upper and Lower Canada,	400,000
New Brunswick,	27,000
Nova Scotia,	19,830
Newfoundland,	67,000
Prince Edward Island,	2,134
Hudson Bay Territory,	2,500,000
	3,005,764

1. ALL Acts now in force conferring constitutional and legislative powers upon the following British North American Provinces,—viz: Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, shall be repealed, in so far as they may be inconsistent with the provisions of this Act.

2. The present union between Upper Canada and Lower Canada shall be dissolved.

3. There shall be a federation of the said Provinces under one general Government and Legislature, having legislative and administrative powers extending to all matters of common concern to all the Provinces composing the federation, except such as are hereinafter excepted.

4. The said Legislature shall consist of a Vice-Roy and (subject to any alteration to be made by the Federal Parliament) of two Houses, to be called respectively, "the Legislative Council," and "the Commons House of Assembly;" and such Vice-Roy and two Houses together shall be the Parliament of British North America.

5. The Vice-Roy shall be appointed by Her Majesty by Letters Patent under the Great Seal of Great Britain and Ireland, and shall receive his salary from the Treasury of the United Kingdom: and the supreme executive power in the united Provinces shall be vested in such Vice-Roy.

6. During any vacancy in the office of Vice-Roy, the Speaker of the Legislative Council, or if there be no such officer, or he be absent, the Speaker of the Commons House of Assembly, shall exercise the office of Vice-Roy, and whenever either of the said Speakers shall so exercise the said office, his functions as Speaker

shall be suspended, and the Legislative Council or Commons House of Assembly (as the case may be) shall appoint a Speaker *pro tempore* : but the Parliament of British North America may make other provision as to the matters provided for in this section.

7. The Vice-Roy shall, without delay, forward to Her Majesty's Principal Secretary of State, all Addresses passed by a majority of either of the two Houses.

8. The Vice-Roy shall dispose of the waste lands of the United Provinces, (including minerals of every description,) and of the proceeds of all forfeitures and other Royalties, according to any Acts which the said Parliament shall pass for the purpose ; but all grants of land or contracts for such grants, lawfully made before this Act comes into force, shall remain valid ; and there shall be at all times a Branch of the Land Office in each Province, with full power to make grants, (subject to such general provisions as may be made by law,) and to do all things thereunto appertaining.

9. No Bill shall become law without the assent of the Vice-Roy, except as herein mentioned ; and he shall declare his assent to, or disallowance of, every Bill presented to him, before the close of the Session ; but if he objects, he shall state his reasons for so doing ; and if they are voted unsatisfactory by two-thirds of the members of each House, the Bill shall nevertheless become a law.

10. The Vice-Roy shall, on any occasion which he may deem of sufficient importance, have power to call together the said Houses of Parliament at any time, to fix their place of meeting and to prorogue them ; and shall also have power to dissolve the Commons House of Assembly, when he may think expedient.

11. Subject to any alteration to be made by the Parliament of British North America, there shall be a Session of the said Parliament at least once in every year, and such Session shall commence on the first Monday of February.

12. Subject to any alteration to be made by the said Parliament, the Vice-Roy shall appoint to all civil offices of the Federal Government.

13. No instructions shall be given by the Crown to the Vice-Roy, except in relation to the powers and prerogatives hereinafter reserved.

14. Subject to any alteration to be made by the said Parliament, the Legislative Council shall consist of ninety members, of whom fifteen shall be elected by the Legislature of each of the United Provinces, in the manner such Legislature may appoint; and, except as hereinafter provided, each member shall be elected to serve during six years; and each member shall have one vote.

15. Subject to any alteration to be made by the said Parliament, no person shall be a member of the Legislative Council unless he is of the age of thirty years, a natural born or naturalized subject of Her Majesty, and the proprietor of real estate within one or more of the said Provinces of the value of five hundred pounds, or of the yearly value of one hundred pounds, clear of all charges upon the same.

16. Subject to any alteration to be made by the said Parliament, the Legislative Council shall, immediately upon assembling together after its first election, be divided by lot into three classes, consisting of thirty members each, in such manner that each of the said Provinces shall have five of its members in each class: and the seats of the first class shall be vacated at the end of the second year, from the date of the writ of election; the seats of the second class at the end of the fourth year, and the seats of the third class at the end of the sixth year, from such date; and the members elected to fill the seats so vacated, shall hold their seats for the term of six years; but whenever a casual vacancy shall occur in the Legislative Council, the person elected to fill the seat vacated shall hold it for such period only as the member in whose stead he is elected would have held his seat.

17. An actual census of the population of the said United Provinces respectively, shall be made within three years after the first meeting of the Federal Legislature, and within every subsequent ten years, in such manner as they shall by law direct; and after such census is taken, the number of representatives in the Commons House of Assembly shall not be less than one for every 12,000 souls; and until it shall be taken, the

Province of Upper Canada shall be entitled to send sixty members; Lower Canada, sixty-four; New-Brunswick, eighteen; Nova-Scotia, twenty-three; Prince Edward Island, five; and Newfoundland, seven; but no Province shall at any time be entitled to send less than (two) members.

18. For the purposes of the first election, and until it be otherwise provided by the Parliament of British North America, the Vice-Roy shall, by Proclamation, and within three months after this Act shall come into force, and so from time to time as occasion shall require, divide each of the said United Provinces into as many electoral divisions of contiguous territory as it shall be entitled to return members, and so that each shall contain as nearly as may be conveniently practicable an equal amount of population; and each of the said divisions shall elect one member to the Commons House of Assembly.

19. Subject to any alteration to be made by the said Parliament, all laws, which at the time this Act comes into force, shall be in force in the said United Provinces respectively, relating to the qualification or disqualification of members of the Assembly, or of votes at the election of such members, and to the oaths to be taken by them, or to the power and duties of Returning Officers, and the proceedings at such elections, or to the vacating of seats of members, and the filling of such vacancies shall continue in force, and shall, in so far as they may be consistent with this Act, be applied to the election of members to serve in the Commons House of Assembly of British North America, for places situated in those parts of the said United Provinces for which such laws were respectively passed; but until it be otherwise provided by the said Parliament, the Vice-Roy may, by Proclamation, divide any electoral division if he shall see fit into subdivisions, in each of which the votes of electors may be taken; and to such subdivisions any provisions of the said laws respectively, relative to the appointment of deputy Returning Officers, Poll Clerks, and other matters, shall apply as to the subdivisions for electoral purposes contemplated by the said Acts respectively.

20. Subject to any alteration to be made by the said Parliament, the Commons House of Assembly, unless sooner dissolved by the Vice-Roy, shall continue for four years from the return of the writs of election, and no longer.

21. Subject to any alteration to be made by the said Parliament, the Vice-Roy shall appoint the Returning Officers at elections of members of the Commons House of Assembly.

22. Subject to any alteration to be made by the said Parliament, whenever the Speaker of the Legislative Council or Commons House of Assembly shall report to the Vice-Roy that a vacancy has occurred in the seat of a member of the House of which he is Speaker, the Vice-Roy shall forthwith issue his writ or his injunction to the proper Legislature for the election of a member to fill such vacancy.

23. No member of the Legislative Council or Commons House of Assembly shall take his seat or vote until he has, in the presence of the Vice-Roy or some person authorised by him, taken an oath or solemn affirmation of allegiance to Her Majesty, Her Heirs and Successors.

24. Subject to any alteration to be made by the said Parliament, each House shall be the judge of the elections and qualifications of its own members, and may compel the attendance of absent members, and may, with the concurrence of two-thirds of the whole number of members, expel a member.

25. Each House may elect its own Speaker, and determine the rules of its own proceedings.

26. Subject to any alteration to be made by the said Parliament, all Bills for raising and appropriating the revenue shall originate in the Commons House of Assembly, but the Legislative Council may amend the same in like manner as other Bills.

27. There shall be reserved to the Crown the several powers and prerogatives following, that is to say:—

I. The power of sending and receiving Ambassadors to and from, and of making treaties, leagues and alliances with any foreign state or power.

II. The power of declaring martial law, or of making peace or war.

III. The power of granting letters of marque and reprisal during peace or war, and granting safe conducts in time of war.

IV. The power of confiscating the property of alien enemies, and of laying an embargo on shipping.

V. The power of keeping any land or naval forces in the said British North American Provinces or on the coasts thereof.

VI. The power of enlisting men within the said Provinces for the supply of such forces.

VII. The command at all times of all regular military and naval forces employed in or about the said Provinces, and the command of the militia in time of war.

VIII. The power of erecting forts, magazines, arsenals, dockyards and other buildings for military and naval purposes.

IX. The power of taking any waste lands, and likewise, on making due compensation, any other land for the purpose of erecting thereon such forts, magazines, arsenals, dockyards and other buildings as aforesaid, and for any other military or naval purpose.

X. The power of determining all cases brought before Her Majesty on appeal from the Courts of the said Provinces.

XI. The power of establishing Prize Courts.

XII. The power of coining money, and of regulating the value of foreign coin.

XIII. The power of granting titles of nobility and distinction.

XIV. The power of regulating the transmission of letters *by sea* between the said Provinces and any other place.

XV. And all powers necessary for giving effect to the above powers and prerogatives.

And the Crown may, by Letters Patent under the Great Seal of Great Britain and Ireland, vest in the Vice-Roy all or any of the powers and prerogatives hereinbefore reserved, and the Vice-Roy shall conform to such instructions as Her Majesty shall convey to him for his guidance in the exercise of such powers and prerogatives.

28. The Parliament of British North America shall not have power to do any of the following things :

I. To pass any law affecting or derogating from the powers and prerogatives reserved to the Crown as aforesaid.

II. To alter the mode of appointing the Vice-Roy.

III. To control his power of calling together (as aforesaid,) and proroguing the Houses of Parliament, or of dissolving the Commons House of Assembly, or of assenting to or disallowing Bills passed by both Houses.

IV. To pass any law altering the succession to or affecting the style or dignity of the Crown of Great Britain and Ireland, or relating to the appointment of a Regent.

V. To absolve any person from his allegiance.

VI. To define treason, or to alter the law relating thereto.

VII. To pass any act of attainder.

VIII. To pass any law containing any thing contrary to the law of nations, as received and administered in the Courts of Great Britain.

IX. To define piracies and felonies on the high seas.

X. To pass any law respecting captures by land or by water.

XI. To pass any law affecting the command, regulation, discipline and enlistment of Her Majesty's military and naval forces.

XII. To lay any duty on supplies for Her Majesty's military or naval forces.

XIII. To make any thing but gold and silver coin a legal tender.

XIV. To make any judge's tenure of office dependent upon any thing but good behaviour, or to diminish his salary during his continuance in office.

XV. To lay any duty inconsistent with any treaty that already has been or may hereafter be entered into between the Crown of the United Kingdom and any foreign country.

XVI. To establish slavery.

XVII. To repeal or alter any of the provisions of this Act, except those expressed to be subject to alteration by the Parliament of British North America.

And any enactment of the said Parliament containing any thing in contravention of this section shall be void.

29. Her Majesty, in Council, shall have original jurisdiction in all cases arising under any provision of this Act, whereby powers and prerogatives are reserved to the Crown, or whereby the power of the Parliament of British North America is restricted; and also, in all cases wherein the boundary of any of the said United Provinces are brought in question, with power to assign any part of such jurisdiction, or remit any case to the Courts of the said United Provinces respectively.

30. Her Majesty, in Council, shall have appellate jurisdiction in all cases whatever arising within the said United Provinces, and may, by Order in Council, limit and regulate the exercise of such jurisdiction.

31. No alterations shall be made in any of the provisions of this Act, herein made subject to alteration, unless a joint resolution declaring such alteration necessary, be passed by the Legislative Council and the Commons House of Assembly, a year at least before the bringing in of any Bill for making such alteration.

32. With the exceptions hereinbefore mentioned, the Parliament of British North America shall have power to repeal or alter any law in force within the said United Provinces, or any of them, on any matter as to which jurisdiction is given to it by this Act, (including such provisions of this Act as are made subject to alteration by the said Parliament,) and to make new laws binding the whole of the said Provinces, and more particularly to levy and collect taxes, duties, imposts and excises, to pay the debts and provide for the general purposes of the federation; provided all such duties, imposts and excises be uniform throughout the said Provinces:—To borrow money on the credit of the federation; to regulate trade and commerce; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcy throughout the said Provinces; to fix the standard of weights and measures; to provide for the punishment of counterfeiting the public securities and current coin of the said Provinces; to establish post-offices and post roads, and fix the duty of postage; to promote the progress of science and useful arts, by securing, for limited terms, to authors and inventors the exclusive right to their respective writings and discoveries; to provide for the calling forth the militia to execute the laws of the said Provinces, and to suppress insurrections, reserving to the Provinces respectively the appointment of the officers; and to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square,) which may become the seat of the Federal Government: but the said Parliament shall not have the power of passing any *ex post facto law*.

THE PROVINCIAL LEGISLATURES.

33. From the time this Act shall be in force there shall be in and for each of the said Provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island respectively, a Legislature to be composed of a Governor, a Legislative Council, and a House of Assembly, to be severally constituted in the manner hereinafter mentioned; and the Legislature of each of the said Provinces shall have power to make laws for the peace, welfare and good government of such Province, for all purposes not inconsistent with this Act.

34. The Governor of each of the said Provinces shall be elected by the people, qualified as hereinafter mentioned, and shall hold his office two years, and shall have power to appoint to all civil offices within the Province of which he is Governor: No Bill passed by the two Houses shall (except in the case hereinafter mentioned,) become a law without his assent, and he shall declare before the close of the Session his assent or objection to any Bill presented to him; but if he objects, he shall state his reasons for so doing, and if they are voted unsatisfactory by two-thirds of the members of each House, the Bill shall nevertheless become a law; and the executive power in each of the said Provinces, not inconsistent with this Act, shall be vested in the Governor thereof, and no Governor shall proceed to the discharge of his duties until he has, in the presence of the Vice-Roy, or of some person authorized by him, taken an oath or affirmation of allegiance and fidelity to the British Crown.

35. The members of the Legislative Council in each Province shall be elected by the electors qualified to vote at the election of members of the Commons House of Assembly aforesaid, and shall consist of thirty-six members, and the Vice-Roy shall, by Proclamation, within three calendar months after this Act comes into force, divide each of the said United Provinces into thirty-six electoral divisions of as nearly equal extent as may be found

practicable, and each of the said divisions shall elect one member to the Legislative Council therein ; but such electoral divisions may be altered by the Legislature of the Province, and the provisions hereinbefore made with regard to the subdivision for electoral purposes, of any electoral division for the election of members of the Commons House of Assembly of the Federal Parliament, shall apply to any subdivision of any electoral division, constituted under this section, which the Vice-Roy may think proper to make for electoral purposes.

36. Subject to any alteration to be made by the Legislature of any Province, the said Legislative Council thereof shall, immediately upon assembling together after its first election, be divided by lot into three classes, consisting of twelve members each ; and the seats of the first class shall be vacated at the end of the second year, from the date of the issuing of the writs for the first election ; the seats of the second class, at the end of the fourth year, and the seats of the third class at the end of the sixth year from the said date ; and all members elected to fill the seats so vacated, shall hold their seats for the term of six years ; but whenever a casual vacancy occurs in the Legislative Council, the person elected to fill the same shall hold his seat for such period only as the member in whose stead he is elected would have held his seat.

37. The Governor shall be elected biennially by the constituents authorised by this Act to return members to the House of Assembly ; but if no one candidate obtains two-thirds of the whole number of votes at such election, the Governor shall be appointed by the Vice-Roy from among the candidates for the office, and for whom votes were given at such election.

38. No person shall be a member of the Legislative Council of any one of the said United Provinces unless he is of the age of thirty years, a natural born or a naturalized subject of Her Majesty, and is the proprietor of real estate within such Province he is elected for, of the value of two hundred and fifty pounds, or of the yearly value of fifty pounds, over and above all charges thereon.

39. The House of Assembly in each of the said United Provinces shall (subject to any alteration to be made by the Legis-

lature of such Province,) consist of the same number of members as it at present consists, all of whom shall be elected in the same manner, by the same constituencies and electors, and under the same provisions of law as they now are; except that no property qualification shall be necessary to entitle any person to become a member.

40. The qualifications for members of the House of Assembly of any Province shall be the same as that for members of the Legislative Council thereof, except the property qualification.

41. The House of Assembly for each Province shall continue for three years, from the the day of the return of the writs of election, and no longer.

42. Whenever any vacancy shall occur in the Legislative Council or House of Assembly of any Province, the Speaker of the House in which it shall occur, shall, under the direction of the House, issue his writ for the election of a member to fill such vacancy.

43. No member of the Legislative Council or House of Assembly in any Province shall take his seat or vote until he has, in the presence of the Governor or of some person authorised by him, taken an oath or affirmation of allegiance and fidelity to the British Crown.

44. Each House of the Legislature of any Province shall be the judge of the elections and qualification of its own members, and may compel the attendance of absent members, and may, with the concurrence of two-thirds of the whole number of members, expel a member.

45. Each such House may elect its own Speaker, and determine the rules of its own proceedings.

46. All Bills for raising and appropriating the local revenue shall originate in the House of Assembly, of each of the said United Provinces, but the Legislative Council may make amendments as to other Bills.

47. All powers and prerogatives hereinbefore reserved to the Crown, and all restrictions imposed upon the Federal Legislature, shall apply equally to the Legislature of each of the said United Provinces within their respective jurisdictions, except that the

Governor of any Province shall not have the power at any time of dissolving either House of the Legislature.

48. There shall be a Court to be called "The Supreme Court of British North America," to be composed of the Chief Justices of the said United Provinces respectively, whose judicial powers shall extend to all cases in law and in equity, arising under this Act, to controversies to which the Federal Government shall be a party, or between two or more Provinces; between a Province and the inhabitants of another Province; or between inhabitants of the same Province, claiming lands under grants of different Provinces.

49. Full faith and credit shall be given in each Province to the public acts, records and judicial proceedings of any other Province, and the Federal Legislature may by general law determine the manner in which such acts, records and proceedings shall be proved.

50. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it; and no *ex post facto* law shall be passed, or any law impairing the obligation of a contract and if any be passed it shall be void.

51. Before any candidate at any election where a qualification is required shall be capable of being elected, he shall, if duly required, make a declaration specially setting forth such qualification: and for any wilfully false statement therein, he shall be punishable as for perjury.

52. All laws, statutes, ordinances, and usages, which, at the passing of this Act, shall be in force in the said United Provinces, or either of them, shall remain in force in so far as they are not repealed by or inconsistent with this Act, or may be so under the authority thereof.

53. All the courts of civil and criminal jurisdiction within any of the said Provinces when at the time this Act shall come into force, and all offices judicial, administrative or ministerial within the said Provinces respectively, (except in so far as the same may be inconsistent with this Act, or shall be abolished, altered or varied by any law made under the authority, thereof)

shall continue in the same form and with the same effect as if this Act had not been made.

54. All or any of the provisions of this Act, in so far as they apply to the Legislature of any of the said United Provinces, may be altered, varied or repealed by such Legislature, the consent of the Federal Legislature thereto being first ascertained by a joint resolution of the two Houses of the Federal Parliament, approved by the Vice-Roy, and specifying the nature of the change proposed.

55. With the exceptions hereinbefore mentioned, the Legislatures of each of the said United Provinces (provided it does not interfere with the powers and authority of the Parliament of British North America) shall have power to repeal or alter any law in force within such Province, and to make new laws for the Government thereof as fully as the Parliament of British North America may do under this Act, in all matters affecting the general interests of the federation.

56. There shall be a meeting of each of the said Provincial Parliaments, on the first Monday in December in each year, which shall continue its sittings until prorogued by the Governor thereof; provided always, that no Session shall in any instance be extended beyond the period of three calendar months.

