

Canada Government.

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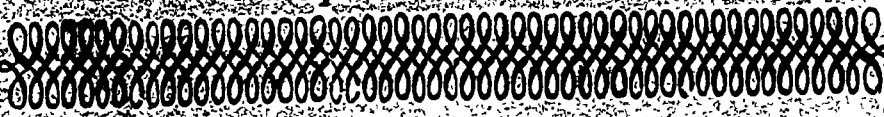
To re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.

*(Prepared and brought in by
Lord John Russell, Lord Viscount Palmerston,
Mr. Macaulay, Mr. Labouchere, and Mr.
Chancellor of the Exchequer.)*

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275

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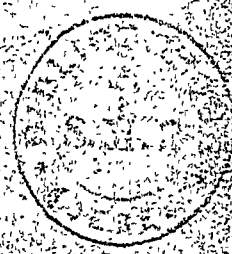
[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

W *HEROAS* it is necessary that provision be made for the Preamble.
good government of the Provinces of Upper Canada and
Lower Canada, in such manner as may secure the rights and liberties,
and promote the interests of all classes of Her Majesty's subjects
5 within the same:

And whereas to this end it is expedient that the said Provinces be
re-united and form One Province for the purposes of Executive
Government and Legislation, and that provision be also made for the
more effectual advancement and protection of the local interests of the
10 Inhabitants therein by means of local authorities;

BE it therefore Enacted, by The QUEEN's most Excellent
MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT it shall be
15 lawful for Her Majesty, with the Advice of Her Privy Council, to
declare, or to authorize the Governor-general of the said two Pro-
vinces of Upper and Lower Canada to declare, by Proclamation, that
the said Provinces, upon, from and after a certain day in such Proclama-
tion to be appointed, which day shall be within Six calendar Months
20 next after the passing of this Act, shall form and be One Province,
under the name of the Province of Canada, and thenceforth the said
Provinces shall constitute and be One Province under the name
aforesaid, upon, from and after the day so appointed as aforesaid.

1.
Declaration
of Union.



A

And

2.
Repeal
Clause.
31 Geo. 3,
c. 31;
14 Geo. 3,
c. 83.

1 & 2 Vict. c. 9.

2 & 3 Vict.
c. 53.

1 & 2 Will. 4,
c. 23.
14 Geo. 3,
c. 88.

And be it Enacted, That so much of an Act passed in the Session of Parliament held in the thirty-first year of the reign of 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 constituting and composing a Legislative Council and Assembly within each of the said Provinces respectively, and for the making of laws; and also the whole of an Act passed in the Session of Parliament held in the first and second years of the reign of Her present Majesty, intituled, " An Act to make temporary Provision for the Government of Lower Canada;" and also the whole of an Act passed in the Session of Parliament held in the second and third years of the reign of Her present Majesty, intituled, " An Act to amend an Act of the last Session of Parliament, for making temporary Provision for the Government of Lower Canada;" and also the whole of an Act passed in the Session of Parliament held in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act to amend an Act of the Fourteenth Year of his Majesty King GEORGE the Third, for establishing a Fund towards defraying the Charges of the Administration of Justice and the Support of Civil Government in the Province of Quebec in America," shall be repealed on, from and after the day on which it shall be declared by Proclamation as aforesaid, that the said Two Provinces shall constitute and be One Province as aforesaid: Provided always, That the repeal of the said several Acts of Parliament, and parts of Acts of Parliament, shall not be held to revive or give any force or effect to any enactment, which has by the said Acts, or any of them, been repealed or determined: Provided also, That the powers and functions of the Special Council for the affairs of Lower Canada, and for the making of laws and ordinances for the government of the said Province as created by the said Act of the first and second year, and subject to the regulations contained in the said Act of the second and third years of Her present Majesty's reign, shall continue and be in force until the day upon which the said Two Provinces shall be re-united as aforesaid: Provided also, That no new Session of the Legislature of the Province of Upper Canada shall be convened or holden after the passing of this Act.

3.
Composition
and powers of
Legislature.

And be it Enacted, That from and after the re-union of the said Two Provinces there shall be within the Province of Canada One Legislative Council and One Assembly, to be severally constituted and composed in the manner hereinafter prescribed, which shall be called " The Legislative Council and Assembly of Canada;" and that within the Province of Canada, Her Majesty shall have power, by and with the advice and consent of the said Legislative Council and Assembly,

to

to make laws for the peace, welfare and good government of the Province of Canada, such laws not being repugnant to this Act, or to such parts of the said Act passed in the thirty-first year of the reign of his said late Majesty, as are not hereby repealed, or to any Act of Parliament made or to be made, and not hereby repealed, which does or shall by express enactment, or by necessary intendment, extend to the Provinces of Upper and Lower Canada, or to either of them, or to the Province of Canada; and that all such laws being passed by the said Legislative Council and Assembly, and assented to by Her Majesty, or assented to in Her Majesty's name by the Governor of the Province of Canada, shall be valid and binding to all intents and purposes within the Province of Canada.

And be it Enacted, That for the purpose of composing the Legislative Council of the Province of Canada, it shall be lawful for Her Majesty, before the time to be appointed for the First Meeting of the said Legislative Council and Assembly, by an instrument under the sign manual, to authorize the Governor, in Her Majesty's name, by an instrument under the Great Seal of the said Province, to summon to the said Legislative Council of the said Province such persons, being not fewer than Twenty, as Her Majesty shall think fit; and that it shall also be lawful for Her Majesty from time to time to authorize the Governor in like manner to summon to the said Legislative Council, such other person or persons as Her Majesty shall think fit, and that every person who shall be so summoned shall thereby become a Member of the Legislative Council of the Province of Canada: Provided always, That no person shall be summoned to the said Legislative Council of the Province of Canada who shall not be of the full age of Twenty-one Years, and a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the Parliament of Great Britain, or by Act of the Parliament of the United Kingdom of Great Britain and Ireland, or by an Act of the Legislature of either of the Provinces of Upper or Lower Canada, or by an Act of the Legislature of the Province of Canada.

And be it Enacted, That every Member of the Legislative Council of the Province of Canada shall hold his seat therein for the term of his life; but subject nevertheless to the provisions hereinafter contained for vacating the same.

And be it Enacted, That it shall be lawful for any Member of the Legislative Council of the Province of Canada to resign his seat in the said Legislative Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

And be it Enacted, That if any Legislative Councillor of the Province of Canada shall, for Two successive Sessions of the Legisla-

4.
Appointment
of Legislative
Councillors.

Qualification
of Legislative
Councillors.

5.
Tenure of
Office of
Councillor.

6.
Resignation
of Legislative
Councillor.

7.
Vacating seat
by absence.

ture of the said Province, fail to give his attendance in the said Legislative Council, without the permission of Her Majesty or of the Governor of the said Province, signified by the said Governor to the Legislative Council, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or whereby he may become entitled to the rights, privileges or immunities of a subject or citizen of any foreign state or power, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason or felony, or of any infamous crime, his seat in such Council shall thereby become vacant.

8.
Trial of
questions.

And be it Enacted, That any question which shall arise respecting any vacancy in the Legislative Council of the Province of Canada on occasion of any of the matters aforesaid, shall be referred by the Governor of the Province of Canada to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, That it shall be lawful either for the person respecting whose seat such question shall have arisen, or for Her Majesty's Attorney-general for the said Province, on Her Majesty's behalf, to appeal from the determination of the said Council in such case to Her Majesty, and that the judgment of Her Majesty given with the advice of Her Privy Council thereon shall be final and conclusive to all intents and purposes.

9.
Appointment
of Speaker.

And be it Enacted, That the Governor of the Province of Canada shall have power and authority from time to time, by an instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him, and appoint another in his stead.

10.
Quorum.
Division.
Casting Vote.

And be it Enacted, That the presence of at least Ten Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers; and that all questions which shall arise in the said Legislative Council shall be decided by a majority of voices of the Members present other than the Speaker; and when the voices shall be equal, the Speaker shall have the casting voice.

11.
Convoking
Assembly.

And be it Enacted, That for the purpose of constituting the Legislative Assembly of the Province of Canada, it shall be lawful for the Governor of the said Province, within the time hereinafter mentioned; and thereafter from time to time, as occasion shall require, in Her Majesty's name, and by an instrument or instruments under the Great Seal of the said Province, to summon and call together a Legislative Assembly in and for the said Province.

And

And be it Enacted, That in the Legislative Assembly of the Province of Canada to be constituted as aforesaid, the parts of the said Province, which now constitute the Provinces of Upper and Lower Canada respectively, shall, subject to the provisions hereinafter contained, be represented by an equal number of representatives, to be elected for the places and in the manner hereinafter mentioned.

12.
Representatives for each Province.

And be it Enacted, That the county of Halton in the Province of Upper Canada shall be divided into Two Ridings, to be called respectively the East Riding and the West Riding, and that the East Riding of the said county shall consist of the following townships, namely, Trafalgar, Nelson, Esquesing, Nassagawega, East Flamborough, West Flamborough, Erin, Beverley; and that the West Riding of the said county shall consist of the following townships, namely, Garafraxa, Nichol, Woolwich, Guelph, Waterloo, Wilmot, Dumfries, Puslinch, Eramosa; and that the East Riding and West Riding of the said county shall each be represented by One Member in the Legislative Assembly of the Province of Canada.

13.
County of Halton.

And be it Enacted, That the county of Northumberland, in the Province of Upper Canada, shall be divided into Two Ridings, to be called respectively the North Riding and the South Riding, and that the North Riding of the last-mentioned county shall consist of the following townships, namely, Monaghan, Otonabee, Asphodel, Smith, Douro, Dummer, Belmont, Methuen, Burleigh, Harvey, Emily, Gore, Ennismore; and that the South Riding of the last-mentioned county shall consist of the following townships, namely, Hamilton, Haldimand, Cramak, Murray, Seymour, Percy; and that the North Riding and South Riding of the last-mentioned county shall each be represented by One Member in the Legislative Assembly of the Province of Canada.

14.
County of Northumberland.

And be it Enacted, That the county of Lincoln, in the Province of Upper Canada, shall be represented by One Member in the Legislative Assembly of the Province of Canada.

15.
County of Lincoln.

And be it Enacted, That every County and Riding other than those hereinbefore specified, which at the time of the passing of this Act was by law entitled to be represented in the Assembly of the Province of Upper Canada, shall be represented by One Member in the Legislative Assembly of the Province of Canada.

16.
Other County Constituency of Upper Canada.

And be it Enacted, That the incorporated city of Toronto, and the incorporated towns of Kingston, Brockville, Hamilton, Cornwall, Niagara and London, shall each be represented by One Member in the Legislative Assembly of the Province of Canada.

17.
Town Constituency of Upper Canada.

18.
County Con-
stituency of
Lower
Canada.

And be it Enacted, That every county which before and at the time of the passing of the said Act of Parliament, intituled, "An Act to make temporary Provision for the Government of Lower Canada," was entitled to be represented in the Assembly of the Province of Lower Canada, except the counties of Montmorency, Orleans, L'Assomption, La Chesnaye, L'Acadie, La Prairie, Dorchester and Beauce, hereinafter mentioned, shall be represented by One Member in the Legislative Assembly of the Province of Canada. 5

19.
Further as to
Constituency
of Lower
Canada.

And be it Enacted, That the said counties of Montmorency and Orleans shall be united into and form one county, to be called the County of Montmorency; and that the said counties of L'Assomption and La Chesnaye shall be united into and form one county, to be called the County of Leinster; and that the said counties of L'Acadie and La Prairie shall be united into and form one county, to be called the County of Huntingdon; and that the counties of Dorchester and Beauce, shall be united into and form one county, to be called the County of Dorchester; and that each of the said counties of Montmorency, Leinster, Huntingdon and Dorchester, shall be represented by One Member in the Legislative Assembly of the said Province of Canada. 10 15 20

20.
Town Consti-
tuency of
Lower
Canada.

And be it Enacted, That the incorporated cities of Quebec and Montreal, and the incorporated town of the Three Rivers, in the said Province of Lower Canada, shall each be represented by One Member in the Legislative Assembly of the Province of Canada.

21.
Returning
Officers.

And be it Enacted, That for the purpose of electing the Members of the Legislative Assembly of the Province of Canada, it shall be lawful for the Governor of the said Province, from time to time, to nominate proper persons to execute the office of Returning Officer in each of the counties, ridings, cities and towns which shall be represented in the Legislative Assembly of the Province of Canada, subject nevertheless to the provisions hereinafter contained. 25 30

22.
Term of
Office of Re-
turning
Officer.

And be it Enacted, That no person shall be obliged to execute the said office of Returning Officer for any longer term than One Year, or oftener than Once, unless it shall be at any time otherwise provided by some Act or Acts of the Legislature of the Province of Canada. 35

23.
Writs of
Election.

And be it Enacted, That writs for the election of Members to serve in the Legislative Assembly of the Province of Canada shall be issued by the Governor of the said Province, within Fourteen Days after the sealing of such instrument as aforesaid for summoning and calling together such Legislative Assembly; and that such writs shall be directed to the Returning Officers of the said counties, ridings, cities and 35

and towns respectively; and that such writs shall be made returnable within Fifty Days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislature of the said Province; and that writs shall in like manner and form be issued for the election of Members in the case of any vacancy which shall happen by the death or resignation of the person chosen, or by his being summoned to the Legislative Council of the said Province, or from any other legal cause; and that such writs shall be made returnable within Fifty Days at farthest from the day on which they shall bear date, unless it shall be at any time otherwise provided by any Act of the Legislature of the said Province; and that in any case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new Member shall be issued within Six Days after notice thereof shall have been delivered to, or left at the office of, the proper officer for issuing such writs of election.

And be it Enacted, That it shall be lawful for the Governor of the Province of Canada for the time being to fix the time and place of holding elections of Members to serve in the Legislative Assembly of the said Province, until otherwise provided for as hereinafter is mentioned, giving not less than Eight Days' notice of such time and place.

24.
Time and
place of hold
ing Elections.

And be it Enacted, That it shall be lawful for the Legislature of the Province of Canada, by any Act or Acts to be hereafter passed, to alter the divisions and extent of the several counties, ridings, cities and towns which shall be represented in the Legislative Assembly of the Province of Canada, and to establish new and other divisions of the same, and to alter the apportionment of Representatives to be chosen by the said counties, ridings, cities and towns respectively, and make a new and different apportionment of the number of Representatives to be chosen in and for those parts or the Province of Canada, which now constitute the said Provinces of Upper and Lower Canada respectively, and in and for the several districts, counties, ridings and towns in the same; and to alter and regulate the appointment of Returning Officers in and for the same; and make provision in such manner as they may deem expedient, for the issuing and return of writs for the election of Members to serve in the said Legislative Assembly, and the time and place of holding such elections: Provided always, That it shall not be lawful to present to the Governor of the Province of Canada for Her Majesty's assent any Bill of the Legislative Council and Assembly of the said Province by which the number of Representatives in the Legislative Assembly may be altered, unless the Second and Third reading of such Bill in the Legislative Council and Legis-

25.
Power to alter
system of Re-
presentation.

lative Assembly shall have been passed with the concurrence of Two-thirds of the Members for the time being of the said Legislative Council, and of Two-thirds of the Members for the time being of the said Legislative Assembly respectively, and the assent of Her Majesty shall not be given to any such Bill unless addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor, stating that such Bill has been so passed.

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26.

Election Laws of the Two Provinces to apply.

And be it Enacted, That until provision shall otherwise be made by an Act or Acts of the Legislature of the Province of Canada, all the laws which at the time of the passing of this Act are in force in the Province of Upper Canada, and all the laws which at the time of the passing of the said Act of Parliament, intituled, "An Act to make temporary Provision for the Government of Lower Canada," were in force in the Province of Lower Canada relating to the qualification and disqualification of any person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively (except those which require a qualification of property in candidates for election, for which provision is hereinafter made), and relating to the qualification and disqualification of Voters at the election of Members to serve in the Assemblies of the said Provinces respectively, and to the oaths to be taken by any such Voters, and to the powers and duties of Returning Officers, and the proceedings at such elections, and the period during which such elections may be lawfully continued, and relating to the trial of controverted elections, and the proceedings incident thereto, and to the vacating of seats of Members, and the issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution of the Assembly, shall respectively be applied to elections of Members to serve in the Legislative Assembly of the Province of Canada for places situated in those parts of the Province of Canada for which such laws were passed.

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27.

Qualification of Members.

And be it Enacted, That no person shall be capable of being elected a Member of the Legislative Assembly of the Province of Canada who shall not be legally or equitably seised, as of freehold, for his own use and benefit, of lands or tenements held in free and common socage, or seised or possessed, for his own use and benefit, of lands or tenements held in fief or in roture, within the said Province of Canada, of the value of Five hundred Pounds of sterling money of Great Britain, over and above all rents, charges, mortgages and incumbrances charged upon and due and payable out of or affecting the same; and that every candidate at such election, before he shall be capable of being elected, shall, if required by any other candidate, or by any elector, or by the Returning Officer, make the following declaration:

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I, A. B.,

5 "I, A. B., do declare and testify, that I am duly seised at law
or in equity, as of freehold for my own use and benefit, of
lands or tenements held in free and common socage, [or duly
seised or possessed, for my own use and benefit, of lands or
tenements held in fief or in roture (as the case may be)], in the
Province of Canada, of the value of Five hundred Pounds
of sterling money of Great Britain, over and above all rents,
mortgages, charges and incumbrances charged upon or due
and payable out of or affecting the same, and that I have not
10 collusively or colourably obtained a title to, or become possessed
of the said lands and tenements, or any part thereof, for the
purpose of qualifying or enabling me to be returned a Member
of the Legislative Assembly of the Province of Canada."

15 And be it Enacted, That if any person shall knowingly and
wilfully make a false declaration respecting his qualification, as a
candidate at any election as aforesaid, such person shall be deemed
to be guilty of a Misdemeanor, and being thereof lawfully convicted,
shall suffer the like pains and penalties as by law are incurred by
persons guilty of wilful and corrupt Perjury in the place in which such
20 false declaration shall have been made.

28
Persons
making false
declaration
liable to the
penalties of
Perjury.

And be it Enacted, That it shall be lawful for the Governor of the
Province of Canada for the time being to fix such place or places
within any part of the Province of Canada, and such times for hold-
ing the first and every other Session of the Legislative Council and
25 Assembly of the said Province as he may think fit, such times and
places to be afterwards changed or varied as the Governor may judge
advisable and most consistent with general convenience and the
public welfare, giving sufficient notice thereof; and also to prorogue
the said Legislative Council and Assembly from time to time, and
30 dissolve the same by Proclamation or otherwise, whenever he
shall deem it expedient.

29.
Place and
Times of
holding Par-
liament.

And be it Enacted, That there shall be a Session of the Legislative
Council and Assembly of the Province of Canada once at least in every
year, so that a period of Twelve calendar Months shall not intervene
35 between the last sitting of the Legislative Council and Assembly in One
Session, and the first sitting of the Legislative Council and Assembly
in the next Session; and that every Legislative Assembly of the said
Province hereafter to be summoned and chosen shall continue for
Four Years from the day of the return of the writs for choosing the
40 same and no longer, subject nevertheless to be sooner prorogued or
dissolved by the Governor of the said Province.

30.
Duration of
Parliament.

And be it Enacted, That the Legislative Council and Assembly of
the Province of Canada shall be called together for the first time at

31.
First calling
together of
Legislature.

some period not later than Six calendar Months after the time at which the Provinces of Upper and Lower Canada shall become reunited as aforesaid.

32.
Election of
Speaker.

And be it Enacted, That the Members of the Legislative Assembly of the Province of Canada shall, upon the first assembling after every general election, proceed forthwith to elect One of their number to be Speaker; and in case of his death, resignation or removal by a vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker; and the Speaker so elected shall preside at all meetings of the said Legislative Assembly. 5 10

33.
Quorum, Di-
vision, Cast-
ing Vote.

And be it Enacted, That the presence of at least Twenty Members of the Legislative Assembly of the Province of Canada, including the Speaker, shall be necessary to constitute a meeting of the said Legislative Assembly for the exercise of its powers, and that all questions which shall arise in the said Assembly shall be decided by the majority of voices of such Members as shall be present, other than the Speaker; and when the voices shall be equal, the Speaker shall have the casting voice. 15

34.
Oath of Al-
legiance.

And be it Enacted, That no Member, either of the Legislative Council, or of the Legislative Assembly of the Province of Canada, shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor of the said Province, or before some person or persons authorized by such Governor to administer such oath. 20 25

“ I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to Her Majesty Queen VICTORIA, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of Canada, dependent on and belonging to the said United Kingdom, and that I will defend Her, to the utmost of my power, against all traitorous conspiracies and attempts whatever which shall be made against Her Person, Crown and Dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her heirs and successors, all treasons and traitorous conspiracies, and attempts which I shall know to be against Her 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 persons whatever to the contrary. 30 35

“ So help me GOD.”

And

And be it Enacted, That every person authorized by law to make an affirmation, instead of taking an oath, may make such affirmation in every case in which an oath is hereinbefore required to be taken.

35.
Affirmation
and Perjury.

5 And be it Enacted, That whenever any Bill which has been passed by the Legislative Council and Assembly of the Province of Canada shall be presented for Her Majesty's assent to the Governor of the said Province, such Governor shall declare according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in
10 that behalf by Her Majesty, Her heirs or successors, that he assents to such Bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon.

36.
Giving or
withholding
assent to
Bills.

15 And be it Enacted, That whenever any Bill which shall have been presented for Her Majesty's assent to the Governor of the said Province of Canada, shall by such Governor have been assented to in Her Majesty's name, such Governor shall by the first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of such Bill so assented to;
20 and that it shall be lawful at any time within Two Years after such Bill shall have been so received by such Secretary of State, for Her Majesty, by order in Council, to declare her disallowance of such Bill, and that such disallowance, together with a certificate under the hand and seal of such Secretary of State, certifying the day on which such
25 Bill was received as aforesaid, being signified by such Governor to the Legislative Council and Assembly of Canada, by speech or message to the Legislative Council and Assembly of the said Province, or by Proclamation, shall make void and annul the same from and after the day of such signification.

37.
Disallowance
of Bills as-
sented to.

30 And be it Enacted, That no Bill which shall be so reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the Province of Canada until the Governor of the said Province shall signify either by speech or message to the Legislative Council and Assembly of the said Province, or by Proclama-
35 tion, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and that an entry shall be made in the Journals of the said Legislative Council of every such speech, message or proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the
40 Records of the said Province; and that no Bill which shall be so reserved as aforesaid shall have any force or authority in the said Province unless Her Majesty's assent thereto shall have been so signified as aforesaid within the space of Two Years from the day on which such

38.
Assent to
Bills reserved.

Bill shall have been presented for Her Majesty's assent to the Governor as aforesaid.

39.
Authority of
the Governor.

Provided always, and be it Enacted, That nothing herein contained shall be construed to limit or restrain the exercise of Her Majesty's prerogative in authorizing, and that notwithstanding this Act and any other Act or Acts passed in the Parliament of Great Britain, or in the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of the Province of Quebec, or of the Provinces of Upper or Lower Canada respectively, it shall be lawful for Her Majesty to authorize, the Lieutenant-governor of the Province of Canada to exercise and execute within such parts of the said Province, as Her Majesty shall think fit, notwithstanding the presence of the Governor within the Province, such of the powers, functions and authority, as well judicial as other, which before and at the time of passing of this Act were and are vested in the Governor, Lieutenant-governor or person administering the Government of the Provinces of Upper Canada and Lower Canada respectively, or of either of them, and which, from and after the said re-union of the said Two Provinces, shall become vested in the Governor of the Province of Canada; and to authorize the Governor of the Province of Canada to assign, depute, substitute and appoint any person or persons jointly or severally to be his Deputy or Deputies within any part or parts of the Province of Canada, and in that capacity to exercise, perform and execute during the pleasure of the said Governor such of the powers, functions and authorities, as well judicial as other, as before and at the time of the passing of this Act were and are vested in the Governor, Lieutenant-governor or person administering the Government of the Provinces of Upper and Lower Canada respectively, and which from and after the Union of the said Provinces shall become vested in the Governor of the Province of Canada, as the Governor of the Province of Canada shall deem to be necessary or expedient: Provided always, That by the appointment of a Deputy or Deputies as aforesaid, the power and authority of the Governor of the Province of Canada shall not be abridged, altered or in any way affected otherwise than as Her Majesty shall think proper to direct.

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40.
Language of
Legislative
Records.

And be it Enacted, That from and after the said re-union of the said two Provinces, all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada, and for proroguing and dissolving the same, and all writs of summons and election, and all writs and public instruments whatsoever relating to the said Legislative Council and Legislative Assembly, or either of them, and all returns to such writs and instruments, and all journals, entries and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly; and of each of them respectively,

40
and

and all written or printed proceedings and reports of Committees of the said Legislative Council and Legislative Assembly respectively, shall be in the English language only.

And be it Enacted, That whenever any Bill or Bills shall be passed
5 by the Legislative Council and Assembly of the Province of Canada, containing any provisions to vary or repeal any of the provisions now in force contained in an Act of the Parliament of Great Britain passed in the fourteenth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for making
10 more effectual Provision for the Government of the Province of Quebec in North America," or in the aforesaid Act of Parliament passed in the thirty-first year of the same reign, respecting the accustomed dues and rights of the clergy of the Church of Rome; or to vary or repeal any of the several provisions contained in the said
15 last-mentioned Act, respecting the allotment and appropriation of lands for the support of the Protestant clergy within the Province of Canada, or respecting the constituting, erecting or endowing of parsonages or rectories within the Province of Canada, or respecting the presentation of Incumbents or Ministers of the same; or re-
20 specting the tenure on which such Incumbents or Ministers shall hold or enjoy the same; or to vary or repeal any of the provisions contained in a certain Bill passed by the Legislative Council and the Commons' House of Assembly for the Province of Upper Canada, intituled, "An Act to provide for the Sale of the Clergy
25 Reserves, and for the Distribution of the Proceeds thereof;" and also, that whenever any Bill or Bills shall be passed containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any form or mode of religious worship; or shall impose or create any penalties, burthens, disabilities or disqualifications in respect
30 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 hereinbefore mentioned; or shall in any manner relate to the granting, imposing or recovering of any other dues, or stipends, or emoluments, to be paid to or for the use of any minister, priest, ecclesiastic or teacher,
35 according to any form or mode of religious worship in respect of his said office or function, or shall in any manner relate to or affect the Establishment or discipline of the United Church of England and Ireland among the Members thereof within the said Province, or shall in any manner relate to or affect Her Majesty's prerogative touching the grant-
40 ing of waste lands of the Crown within the said Province; every such Bill or Bills shall, previously to any declaration or signification of Her Majesty's assent thereto, be laid before both Houses of Parliament of the United Kingdom of Great Britain and Ireland, and that it shall not be lawful for Her Majesty to signify Her assent to any such Bill or Bills until Thirty Days after the same shall have been laid before the

41.
Ecclesiastical
and Crown
Rights.

said Houses, or to assent to any such Bill or Bills in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to withhold her assent from any such Bill or Bills; and that no such Bill shall be valid or effectual to any of the said purposes within the said Province of Canada, unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor of the said Province an Address or Addresses specifying that such Bill or Bills contains provisions for some of the purposes hereinbefore specially described, and desiring that in order to give effect to the same, such Bill or Bills may be transmitted to England without delay, for the purpose of its being laid before Parliament previously to the signification of Her Majesty's assent thereto.

42.
Colonial
Taxation.

AND whereas by an Act passed in the eighteenth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces and Plantations in North America and the West Indies, and for repealing so much of an Act made in the seventh year of the reign of his present Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, or relating thereto," it was declared, that "the King and Parliament of Great Britain would not impose any duty, tax or assessment whatever, payable in any of his Majesty's Colonies, Provinces and Plantations in North America or the West Indies, except only such duties as it might be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province or Plantation in which the same should be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations were ordinarily paid and applied:" AND whereas it is necessary, for the general benefit of the Empire, that such power of regulation of commerce should continue to be exercised by Her Majesty and the Parliament of the United Kingdom of Great Britain and Ireland, subject nevertheless to the conditions hereinbefore recited with respect to the application of any duties which may be imposed for that purpose; BE it therefore Enacted, That nothing in this Act contained shall prevent or affect the execution of any law which hath been or shall be made in the Parliament of the said United Kingdom, for establishing regulations and prohibitions, or for the imposing, levying or collecting duties for the regulation of navigation, or for the regulation of the commerce between the Province of Canada and any other part of Her Majesty's dominions, or between the said Province of Canada or any part thereof, and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed

imposed, or to give to Her Majesty any power or authority, by and with the advice and consent of such Legislative Council and Assembly of the said Province of Canada, to vary or repeal any such law or laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof : Provided always, That the net produce of all duties which shall be so imposed, shall at all times hereafter be applied to and for the use of the said Province of Canada, and (except as hereinafter provided) in such manner only as shall be directed by any law or laws which may be made by Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of such Province.

AND whereas by the laws now in force in the said Province of Upper Canada, the Governor, Lieutenant-governor, or person administering the Government of the said Province, or the Chief Justice of the said Province, together with any Two or more of the Members of the Executive Council of the said Province, constitute and are a Court of Appeal for hearing and determining all appeals from such judgments or sentences as may lawfully be brought before them : AND whereas by an Act of the Legislature of the said Province of Upper Canada, passed in the thirty-third year of the reign of his late Majesty King GEORGE the Third, intituled, " An Act to establish a Court of Probate in the said Province, and also a Surrogate Court in every district thereof," there was and is established a Court of Probate in the said Province, in which Act it was enacted that the Governor, Lieutenant-governor, or person administering the Government of the said last-mentioned Province should preside, and that he should have the powers and authorities in the said Act specified : AND whereas by an Act of the Legislature of the said Province of Upper Canada, passed in the second year of the reign of his late Majesty King WILLIAM the Fourth, intituled, " An Act respecting the Time and Place of Sitting of the Court of King's Bench," it was among other things enacted, that his Majesty's Court of King's Bench in that Province should be holden in a place certain; that is, in the city, town or place which should be for the time being the seat of the Civil Government of the said Province, or within one mile therefrom : AND whereas by an Act of the Legislature of the said Province of Upper Canada, passed in the seventh year of the reign of his late Majesty WILLIAM the Fourth, intituled, " An Act to establish a Court of Chancery in this Province," it was enacted, that there should be constituted and established a Court of Chancery, to be called and known by the name and style of " The Court of Chancery for the Province of Upper Canada;" of which Court the Governor, Lieutenant-governor, or person administering the Government of the said Province should be Chancellor; and which Court, it was also enacted, should be holden at the seat

43.
Court of Appeal, Probate, King's Bench, Chancery in Upper Canada, and Court of Appeal in Lower Canada.

(Laws of Upper Canada, 33 Geo. 3, 2 session, c. 8.)

Laws of Upper Canada, 2 W. 4, c. 8.

Laws of Upper Canada, 7 W. 4, c. 2.

(Laws
of Lower
Canada,
34 Geo. 3,
c. .)

of Government in the said Province, or in such other place as should be appointed by proclamation of the Governor, Lieutenant-governor, or person administering the Government of the said Province: AND whereas by an Act of the Legislature of the Province of Lower Canada, passed in the thirty-fourth year of the reign of his late Majesty King GEORGE the Third, intituled, " An Act for the Division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain Laws therein mentioned," it was enacted, that the Governor, Lieutenant-governor, or the person administering the Government, the Members of the Executive Council of the said Province, the Chief Justice thereof, and the Chief Justice to be appointed for the Court of King's Bench at Montreal, or any Five of them, the Judges of the Court of the district wherein the judgment appealed from was given excepted, should constitute a Superior Court of Civil Jurisdiction, or Provincial Court of Appeals, and should take cognizance of, hear, try and determine all causes, matters and things appealed from all Civil Jurisdictions and Courts wherein an appeal is by law allowed; BE it Enacted, That until otherwise provided by an Act of the Legislature of the Province of Canada, all judicial and ministerial authority which before and at the time of passing this Act was vested in or might be exercised by the Governor, Lieutenant-governor, or person administering the Government of the said Province of Upper Canada, or the Members or any number of the Members of the Executive Council of the same Province, or was vested in or might be exercised by the Governor, Lieutenant-governor, or the person administering the Government of the Province of Lower Canada, and the Members of the Executive Council of that Province, shall be vested in and may be exercised by the Governor, Lieutenant-governor, or person administering the Government of the Province of Canada, and in the Members or the like number of the Members of the Executive Council of the Province of Canada respectively; and that until otherwise provided by Act or Acts of the Legislature of the Province of Canada, the said Court of King's Bench, now called the Court of Queen's Bench of Upper Canada, shall from and after the union of the Provinces of Upper and Lower Canada, be holden at the City of Toronto, or within One Mile from the municipal boundary of the said City of Toronto: Provided always, That until otherwise provided by Act or Acts of the Legislature of the Province of Canada, it shall be lawful for the Governor of the Province of Canada, by and with the advice and consent of the Executive Council of the same Province, by his Proclamation to fix and appoint such other place as he may think fit within that part of the last-mentioned Province which now constitutes the Province of Upper Canada, for the holding of the said Court of Queen's Bench.

And

And be it Enacted, That all powers, authorities and functions which by the said Act passed in the thirty-first year of the reign of his late Majesty King GEORGE the Third, or by any other Act of Parliament, or by any Act of the Legislature of the Provinces of
5 Upper and Lower Canada respectively, are vested in or are authorized or required to be exercised by the respective Governors or Lieutenant-governors of the said Provinces, with the advice, or with the advice and consent of the Executive Council of such Provinces respectively,
10 the Members thereof, or by the said Governors or Lieutenant-governors individually and alone, shall, in so far as the same are not repugnant to or inconsistent with the provision of this Act, be vested in and may be exercised by the Governor of the province of Canada, with the
15 advice, or with the advice and consent of, or in conjunction, as the case may require, with such Executive Council, or any Members thereof, as may be appointed by Her Majesty for the affairs of the Province of Canada, or by the said Governor of the Province of Canada individually and alone, in cases where the advice, consent or concurrence of the Executive Council is not required.

44.
Powers to be exercised by Governor with the Executive Council or alone.

20 And be it Enacted, That all laws, statutes and ordinances which at the time of the Union of the Provinces of Upper Canada and Lower Canada shall be in force within the said Provinces, or either of them, or any part of the said Provinces respectively, shall remain and continue to be of the same force, authority and effect in
25 those parts of the Province of Canada which now constitute the said Provinces respectively as if this Act had not been made, and as if the said Two Provinces had not been united as aforesaid, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the authority of this
30 Act, be repealed or varied by any Act or Acts of the Legislature of the Province of Canada.

45.
Existing Laws saved.

And be it Enacted, That all the Courts of Civil and Criminal Jurisdiction within the Provinces of Upper and Lower Canada at the time of the Union of the said Provinces, and all legal com-
35 missions, powers and authorities, and all officers judicial, administrative or ministerial, within the said Provinces respectively, except in so far as the same may be abolished, altered or varied by, or may be inconsistent with the provisions of this Act, or shall be abolished, altered or varied by any Act or Acts of the Legislature of the
40 Province of Canada, shall continue to subsist within those parts of the Province of Canada which now constitute the said Two Provinces respectively, in the same form and with the same effect as if this Act had not been made, and as if the said Two Provinces had not been re-united as aforesaid.

46.
Courts of Justice, Commissions, Officers, &c.

47.
Provision
respecting
Temporary
Acts.

AND whereas the Legislatures of the said Provinces of Upper and Lower Canada have from time to time passed enactments, which enactments were to continue in force for a certain number of years after the passing thereof, and "from thence to the end of the then next ensuing Session" of the Legislature of the Province in which the same were passed; BE it therefore Enacted, That whenever the words "and from thence to the end of the then next ensuing Session of the Legislature," or words to the same effect, have been used in any temporary Act of either of the said Two Provinces which shall not have expired before the re-union of the said Two Provinces, the said words shall be construed to extend and apply to the next Session of the Legislature of the Province of Canada.

48.
Repeal of
3 Geo. 4,
c. 119, ss. 17,
18, 19, 20, 21,
22, 23, 24, 25,
26, 27.

AND whereas by a certain Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," certain provisions were made for appointing Arbitrators, with power to hear and determine certain claims of the Province of Upper Canada upon the Province of Lower Canada, and to hear any claim which might be advanced on the part of the Province of Upper Canada to a proportion of certain duties therein mentioned, and for prescribing the course of proceeding to be pursued by such Arbitrators; BE it Enacted, That the said recited provisions of the said last-mentioned Act, and all matters in the same Act contained, which are consequent to or dependent upon the said provisions, or any of them, shall be repealed.

49.
Revenues of
the Two Pro-
vinces to form
a Consoli-
dated Reve-
nue Fund
of the Pro-
vince of
Canada.

And be it Enacted, That upon the Union of the Provinces of Upper and Lower Canada, all duties and revenues over which the respective Legislatures of the said Provinces before and at the time of the passing of this Act had and have power of appropriation, shall form one Consolidated Revenue Fund, to be appropriated for the public service of the Province of Canada, in the manner and subject to the charges hereinafter mentioned.

50.
Consolidated
Revenue
Fund to be
charged with
expense of
collection and
management.

And be it Enacted, That the said Consolidated Revenue Fund of the Province of Canada shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof, such costs, charges and expenses being subject nevertheless to be reviewed and audited in such manner as shall be directed by any Act of the Legislature of the Province of Canada.

51.
45,000 l. to be
granted per-
manently;
30,000 l. for

And be it Enacted, That out of the Consolidated Revenue Fund of the Province of Canada, there shall be payable in every year to Her Majesty, Her heirs and successors, the sum of Forty-five thousand

said Pounds for defraying the expense of the several services and purposes named in the Schedule marked (A.) to this Act annexed ; and during the life of Her Majesty, and for Five Years after the demise of Her Majesty, there shall be payable to Her Majesty, Her heirs and successors, out of the said Consolidated Revenue Fund, a further sum of Thirty thousand Pounds, for defraying the expense of the several services and purposes named in the Schedule marked (B.) to this Act annexed ; the said sums of Forty-five thousand Pounds and Thirty thousand Pounds to be issued by the Receiver-General in discharge of such warrant or warrants as shall be from time to time directed to him under the hand and seal of the Governor ; and the said Receiver General shall account to Her Majesty for the same, through the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct.

the life of Her Majesty, and Five Years following.

And be it Enacted, That until altered by any Act of the Legislature of the Province of Canada, the salaries of the Governor and of the Judges shall be those respectively set against their several offices in the said Schedule (A.) ; but that it shall be lawful for the Governor to abolish any of the offices named in the said Schedule (B.), or to vary the sums appropriated to any of the services or purposes named in the said Schedule (B.), and that the amount of saving which may accrue from any such alteration in either of the said Schedules, shall be appropriated to such purposes connected with the administration of the Government of the said Province as to Her Majesty shall seem fit ; and that accounts in detail of the expenditure of the several sums of Forty-five thousand Pounds and Thirty thousand Pounds hereinbefore granted, and of every part thereof, shall be laid before the Legislative Council and Legislative Assembly of the said Province within Thirty Days next after the beginning of the Session after such expenditure shall have been made : Provided always, That not more than Two thousand Pounds shall be payable at the same time for pensions to the Judges out of the said sum of Forty-five thousand Pounds, and that not more than Five thousand Pounds shall be payable at the same time for pensions out of the said sum of Thirty thousand Pounds ; and that a list of all such pensions, and of the persons to whom the same shall have been granted, shall be laid in every year before the said Legislative Council and Legislative Assembly.

52.
How the appropriation of Sums granted may be varied.

And be it Enacted, That during the time for which the said several sums of Forty-five thousand Pounds and Thirty thousand Pounds are severally payable, the same shall be accepted and taken by Her Majesty by way of Civil List, instead of all territorial and other Revenues now at the disposal of the Crown, arising in either of the said Provinces of Upper Canada or Lower Canada, or in the Province of Canada,

53.
Surrender of hereditary Revenues of the Crown.

and that Three-fifths of the net produce of the said Territorial and other Revenues now at the disposal of the Crown within the Province of Canada, shall be paid over to the account of the said Consolidated Revenue Fund, and also during the life of Her Majesty; and for Five Years after the demise of Her Majesty, the remaining Two-fifths of the net produce of the said Territorial and other Revenues, now at the disposal of the Crown within the Province of Canada, shall be also paid over in like manner to the account of the said Consolidated Revenue Fund.

54.
Charges already created in either Province.

And be it Enacted, That the consolidation of the duties and revenues of the said Province shall not be taken to affect the payment out of the said Consolidated Revenue Fund of any sum or sums heretofore charged upon the rates and duties already raised, levied and collected, or to be raised, levied and collected, to and for the use of either of the said Provinces of Upper Canada or Lower Canada, or of the Province of Canada, for such time as shall have been appointed by the several Acts of the Legislature of the Province by which such charges were severally authorized.

55.
The order of charges on the Consolidated Fund to be,—1st. Expense of collection; 2d. Interest of the debt; 3d. Payments to the Clergy; 4th. & 5th. Civil List; 6th. Other Charges already made on the Public Revenue.

And be it Enacted, That the expenses of the collection, management and receipt of the said Consolidated Revenue Fund shall form the first charge thereon; and that the annual Interest of the Public Debt of the Provinces of Upper and Lower Canada, or of either of them, and of any debt which may hereafter become chargeable upon the said Consolidated Revenue Fund of the Province of Canada, shall form the second charge thereon; and that the payments to be made to the Clergy of the United Church of England and Ireland, and to Ministers of the Church of Scotland, and to Ministers of other Christian denominations, pursuant to any law or usage whereby such payments before or at the time of passing this Act, were or are legally or usually paid out of the Public Revenue of either of the Provinces of Upper and Lower Canada, shall form the third charge upon the said Consolidated Revenue Fund; and that the said sum of Forty-five thousand Pounds shall form the fourth charge thereon; and that the said sum of Thirty thousand Pounds, so long as the same shall continue to be payable, shall form the fifth charge thereon; and that the other charges upon the rates and duties levied within the said Province of Canada hereinbefore reserved, shall form the sixth charge thereon, so long as such charges shall continue to be payable.

50.
Subject to the above charges, the Consolidated Revenue Fund to be appropriated by the Provincial Legislature by Bills ori-

And be it Enacted, That, subject to the several payments hereby charged on the said Consolidated Revenue Fund, the same shall be appropriated by the Legislature of the Province of Canada for the public service, in such manner as they shall think proper: Provided always, That all Bills for appropriating any part of the surplus of the said Consolidated Revenue Fund, or for imposing any new tax

tax or impost, shall originate in the Legislative Assembly of the said Province of Canada: Provided also, That it shall not be lawful for the said Legislative Assembly to originate or pass any vote, resolution or bill for the appropriation of any part of the surplus of the said Consolidated Revenue Fund, or of any other tax or impost to any purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such vote, resolution or bill shall be passed:

ginating in the House of Assembly for objects recommended by the Governor.

And be it Enacted, That it shall be lawful for the Governor, by letters patent under the great seal of the Province of Canada, to incorporate the inhabitants of every district in that part of the Province of Canada which now constitutes the Province of Upper Canada, and of so many counties or parts of counties, or counties and parts of counties, in that part of the Province of Canada which now constitutes the Province of Lower Canada, as to him shall seem fit, to form districts for the purposes of this Act, and by such several letters patent to establish a Council in every such district for the local government thereof, subject to the following Provisions; that is to say, it shall be provided—

57.
District Councils to be established.

1. That every such District Council shall be elective, after the first nomination thereof, as hereinafter mentioned, the elections being made in the several townships or other fit divisions, to be defined by the Charter, within the district, so that, until further provision be made in this behalf by the Legislature of the Province of Canada, one Councillor at least shall be elected from each township or division, containing not less than Seven hundred persons; and that no township or division shall elect more than Three Councillors; and that the townships or places containing less than Seven hundred persons shall be united for the purpose of electing Councillors with the next adjoining township or townships, division or divisions, containing the smallest number of persons, so as to complete a number not less than Seven hundred.

2. That until further provision be made in this behalf by the Legislature of the Province of Canada, the District Councillors shall be elected in the several townships or divisions by the inhabitants entitled to vote in the Election of Members to serve in the Legislative Assembly of the Province of Canada.

3. That no District Councillor shall hold any lucrative office or appointment under such District Council, or enter into or be concerned or interested in any contract or any pecuniary

niary dealings with such District Council, under a penalty or penalties to be fixed in such letters patent of incorporation.

- 4. That no District Councillor shall continue in office for more than Three Years, unless re-elected. 5
- 5. That the District Council shall be presided over by a District Warden, to be appointed and be removable by Her Majesty, or by the Governor in the name of Her Majesty.
- 6. That a District Surveyor, who shall have passed an examination before a competent tribunal approved by the Governor, shall be appointed in each district for superintending the construction of roads and other public works undertaken by authority of the District Council; and that the District Surveyor, and all other officers needed for the exercise of the powers of the District Council, shall be appointed and be removable by the District Council, subject to the approval of the Governor. 10 15
- 7. That accounts in detail of all monies expended in every year by or under the authority of the District Councils, be laid before the Legislative Council and Legislative Assembly, and otherwise published in such manner as may be directed by the Charter, or provided by any Act of the Legislature of the Province. 20

58.
Powers of
District
Councils.

And be it Enacted, That the District Councils to be established in and by such Charters of Incorporation, shall have full power and authority to make bye-laws for the making, maintaining or improving of any new or existing road, street or other convenient communications and means of transit within the limits of the district; for the stopping up, altering or diverting of any such road, street or other such communication as aforesaid; for the erection and repair of bridges and public buildings that may be required for the convenience of the said district; for the superintendence and management of all property belonging to the district; for the collection, accounting for and application of all assessments raised under the authority of such District Council, and of the revenues belonging to the said district, towards the payment of all necessary expenses incurred, or estimated as likely to be incurred, for the current year, or otherwise in respect of the local government of such district; and for any other purpose, matter or thing which shall be especially subjected to the direction and control of such Council by any Act of the Legislature of the Province of Canada, so that the same be not repugnant to the provisions of this Act or to any Act of the Legislature of the Province 25 30 35 40

Province

Province of Canada; and the said District Councils shall have powers to raise such monies as shall be needed for any of the purposes aforesaid, by a rate or rates, to be assessed and levied in such manner as to the Council shall seem just, on real or personal
5 property, or both, within the district, or upon the owners and occupiers thereof in respect of such property, and to enforce the collection and payment of all such rates, and the observance of all such bye-laws as they shall have made for any of the purposes aforesaid, by reasonable penalties.

10 And be it Enacted, That a copy of every bye-law made by any District Council, under and by virtue of this Act, shall be transmitted by the Warden of the district, within Fourteen Days after the making thereof to the Governor of the Province of Canada; and it shall be lawful for the said Governor, with the advice of his
15 Executive Council, at any time within Two calendar Months from and after the receipt of such copy, to disallow such bye-law, and such disallowance shall without delay be signified to the Warden of the district where such bye-law shall have been passed, and thenceforward such bye-law shall be void and of no effect; and no such
20 bye-law shall have effect until the expiration of the said period of Two calendar Months, unless the said Governor shall have given his assent there to before the expiration of that period.

59.
Transmission
of Bye-Laws to
Governor for
Assent.

And be it Enacted, That all public property belonging to any district, or to any county or part of a county included in any district,
25 or to the inhabitants thereof, and the proceeds of all assessments made by authority of any Act heretofore passed by the Legislature of the Provinces of Upper Canada or Lower Canada respectively, for the purpose of being administered by any body or local authority within such district, shall vest in and be administered by the
30 Councils to be constituted as aforesaid; and so much thereof as is not appropriated by law to any specific purpose shall be applied by the said Councils, subject to the restrictions hereinbefore contained in furtherance of the purposes for which they are severally constituted.

60.
District
Property
to vest in
Councils.

And be it Enacted, That, subject to the provisions herein
35 contained, it shall be lawful for the said Governor to specify in and by the said several charters of incorporation, the metes and bounds of the said several districts, and the number of Councillors which shall be for every district, and the time and manner of their election, and to fix the qualification of the Councillors, and to
40 nominate from among the persons so qualified, the Councillors who shall form the first Council in every such district, and to appoint the order and manner in which they shall go out of office, and to fix penalties for qualified persons refusing to take office in the Council, and to make all other necessary provisions for establishing such District

61.
Provision for
further
Definition of
Powers of
District
Councils.

Councils, for defining their powers, and enabling them to exercise their functions : Provided always, That notwithstanding any such Charter, it shall be lawful for the Legislature of the Province of Canada to make further or other provisions respecting the constitution of the said Councils which are not repugnant to this Act, and to extend or limit the powers of such Councils in any way which may be found expedient, and to alter the number and boundaries of the districts, and to establish a Council in each of such new districts, subject to the provisions herein contained concerning the constitution thereof. 5

62. Townships to be constituted. And be it Enacted, That for the purpose of enabling such District Councils to be established, throughout the Province of Canada, it shall it shall be lawful for the Governor, by an instrument or instruments to be issued by him for that purpose under the Great Seal of the Province, to constitute Townships in those parts of the Province of Canada in which Townships are not already constituted, and to fix the metes and bounds thereof, and to provide for the election and appointment of Township Officers therein, who shall have and exercise the like powers as are exercised by the like officers in the Townships already constituted in that part of the Province of Canada now called Upper Canada, and every such instrument shall be published by proclamation, and shall have the force of law from a day to be named in each case in such proclamation. 10 15 20

63. Powers of Governor to be exercised subject to instructions of Her Majesty. And be it Enacted, That all powers and authorities expressed in this Act to be given to the Governor of the Province of Canada shall be exercised by such Governor in conformity with and subject to such orders, instructions and directions as Her Majesty shall from time to time see fit to make or issue. 25

64. Interpretation Clause. And be it Enacted, That in this Act, unless otherwise expressed therein, the words " Act of the Legislature of the Province of Canada " are to be understood to mean " Act of Her Majesty, Her heirs or successors, enacted by Her Majesty, or by the Governor on behalf of Her Majesty, with the advice and consent of the Legislative Council and Assembly of the Province of Canada ; " and the words " Governor of the Province of Canada " are to be understood as comprehending the Governor, Lieutenant-governor, or person authorized to execute the office or the functions of Governor of the said Province. 30 35

65. Alteration of Act. And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES.

SCHEDULE (A.)

	£.
Governor - - - - -	7,000
Lieutenant-Governor - - - - -	1,000

UPPER CANADA.

1 Chief Justice - - - - -	1,500
4 Puisne Judges, at 900 <i>l.</i> each - - - - -	3,600
1 Vice-Chancellor - - - - -	1,125

LOWER CANADA.

1 Chief Justice, Quebec - - - - -	1,500
3 Puisne Judges, Quebec, at 900 <i>l.</i> each - - - - -	2,700
1 Chief Justice, Montreal - - - - -	1,100
3 Puisne Judges, Montreal, at 900 <i>l.</i> each - - - - -	2,700
1 Resident Judge at Three Rivers - - - - -	900
1 Judge of the Inferior District of St. Francis - - - - -	500
1 Judge of the Inferior District of Gaspé - - - - -	500
Pensions to the Judges, Salaries of the Attornies and Solicitors General, and Contingent and Miscellaneous Expenses of Administration of Justice, - - - - -	20,875

£. 45,000

SCHEDULE (B.)

Civil Secretaries and their Offices - - - - -	8,000
Provincial Secretaries and their Offices - - - - -	3,000
Receiver-General and his Office - - - - -	3,000
Inspector-General and his Office - - - - -	2,000
Executive Council - - - - -	3,000
Board of Works - - - - -	2,000
Emigrant Agent - - - - -	700
Pensions - - - - -	5,000
Contingent Expenses of Public Offices - - - - -	3,300

£. 30,000
