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CANADA.

COPIES of the ADDRESSES to Her Majesty of the
Legislative Council and Assembly of Canada, on
the Subject of the CONSTRUCTION of the former
House.

(Mr. Bright.)

Ordered, by The House of Commons to be Printed,
20 August 1853.

1002.

Under 1 os.

No 15 A

C A N A D A.

RETURN to an Address of the Honourable The House of Commons,
dated 12 August 1853;—for,

“COPIES of the ADDRESSES to Her Majesty of the Legislative Council
and Assembly of *Canada*, on the Subject of the CONSTITUTION of the
former HOUSE.”

Colonial Office, }
18 August 1853. }

FREDERICK PEEL:

COPIES of the ADDRESSES to Her Majesty of the Legislative Council and
Assembly of *Canada*, on the Subject of the CONSTITUTION of the former
HOUSE.

— No. 1. —

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Legislative Council of *Canada*, in provincial Parliament assembled, humbly approach Your Majesty with sentiments of profound attachment to Your Majesty's Person and Government.

We feel it to be a duty incumbent upon us earnestly to represent to Your Majesty, that in our opinion there is nothing in the actual state of the province, or in the character and action of its Legislature, which calls for alteration in the form of government granted by Your Majesty in the Act 3d & 4th Vict. chap. 35, and modelled, as closely as the local circumstances of a colony would permit, after that constitution which has long been the glory of the United Kingdom, and the great source of its prosperity.

We would respectfully represent to Your Majesty, that to refer the selection of Members of the Legislative Council to the popular vote, is to destroy that harmony of system upon which, in accordance with the theory of the British Constitution, the Government of this country has hitherto been considered to rest, and by thus discarding the principle of appointment by the Crown, which has hitherto been deemed essential to the maintenance of a due balance in the State, to bring the Royal Authority into direct contact with two Houses, both deriving power from and responsible to the people.

We crave permission, may it please Your Majesty, to express our fears, that should any scheme of the nature adverted to be unhappily adopted, safeguards long held indispensable against hasty and inconsiderate legislation would become inoperative; jealousies would be fostered between bodies, each equally assuming to represent the people, and the chances of collision between them increased; the balance of power in the State would become precarious, and subject to frequent disturbance; and further elementary changes would soon be demanded of a democratic character, to an extent, perhaps, which this House is unwilling to contemplate.

Legislative Council,
Saturday, 4 June 1853.

Edward Caron,
Speaker.

— No. 2. —

To the QUEEN'S Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of Canada, in provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that, under the circumstances in which the province of Canada is placed in a social, political, and economical point of view, we are humbly of opinion—

That the introduction of the elective principle into the constitution of the Legislative Council would not only impart greater weight to that important branch of the Legislature than it can have under existing arrangements, however judiciously the selection of its Members may be made, but would also ensure greater efficiency in carrying out that system of Government which obtains in the mother country, and has been happily introduced into this province.

That the object in view might, in the opinion of Your faithful Commons, be best attained by dividing each of the sections of the province into thirty territorial divisions, to be hereafter defined by the provincial Parliament, and containing each, as nearly as possible, an equal amount of population, and by allowing the persons qualified to vote at the elections of Members of the Legislative Assembly in each division, subject to the arrangements hereafter mentioned as to present Members, to elect one person qualified in the manner hereinafter mentioned to sit in the Legislative Council, which should be composed, after the arrangements as to present Members have had their effect, of sixty persons so elected, one-third of whom shall be required to retire in rotation every two years, so that, except as to Members elected after a dissolution, or to fill any occasional vacancies to replace elected Members, the Members shall be elected for the term of six years; and Members retiring by rotation, whose term of service shall expire during a session of Parliament, may continue to serve until the end of that session.

That twenty new Members of the said Legislative Council ought to be first elected; that, subject to a dissolution, as hereinafter mentioned, the present Members of the Legislative Council ought to continue Members thereof, and to retire in rotation in numbers as equal as may be possible, at the end of two and four years respectively, at each of which respective periods twenty new Members of the said Council ought to be elected, whatever be the number of the Members then retiring; for which purposes two lists of the present Members, one for each section of the province, according to their place of residence at the time they were summoned to the said Council, be prepared, and lots drawn under the direction of the Speaker of the Legislative Council to determine the time at which they shall retire by rotation as aforesaid; and, to provide for elections in the first instance, and upon the retirement of the present Members in the manner provided, the said Speaker do also draw lots separately for each section of the province, to determine for which divisions Members are to be first elected, until all divisions are represented; the said Speaker to apportion also by lot on the re-assembling of the Legislative Council after a dissolution, for each said section of the province respectively, the order in which Members shall retire; Members elected to fill occasional vacancies to be elected for the divisions for which the former Members were serving, and for the term only for which they would have been entitled to serve.

That the persons qualified to be elected Members of the Legislative Council should be all subjects of Your Majesty by birth or naturalisation, of the full age of thirty years, and residing in this province, who shall have been at any time previous to such election Members of either of the Legislative Councils of Upper or Lower Canada, or of the Legislative Council of this province, or Members of either of the Legislative Assemblies of Upper or Lower Canada, or of the Legislative Assembly of this province; and also all subjects of Your Majesty as aforesaid, qualified as above as to age and residence, who may be possessed for their own use and benefit of real property situated in this province, held in free and common soccage, or *en fief*, or *en roture*, or *en franc-allevé*, of the value

value of £.1,000 currency over and above all debts due and chargeable on the same, no person who may be disqualified by law to be elected Member of the Legislative Assembly being eligible to the said Legislative Council.

That, for the better working of Constitutional Government, the Crown ought to have power to dissolve both Houses of Parliament, or either of them; but that, as respects the Legislative Council, such power ought not to be exercised except in the event of the rejection by the said Legislative Council in two successive sessions, and at least at six months interval, of a measure which shall have passed the Legislative Assembly in the same two successive sessions, nor unless the said measure shall have passed the Legislative Assembly in the second session by the vote of an absolute majority of the Members of the said Legislative Assembly, the Parliament convened after a dissolution of either House, or of both, being reckoned as a new Parliament.

That Members of the Legislative Council ought to have power to vacate their seats, either in vacation, or during the sitting of Parliament; but that no Member of either House while being so ought to be a candidate for election to the other House.

That, under the proposed change in the constitution of the Legislative Council, it is inexpedient that any pecuniary qualification should be retained for being eligible to the Legislative Assembly.

That the Legislative Council so constituted ought to possess the exclusive power of adjudicating upon all impeachments preferred by the Legislative Assembly against high public functionaries; and that in all other respects the peculiar powers and privileges now possessed and exercised by each of the two Houses of Parliament should be maintained inviolate in so far as they may not be repugnant to the foregoing representations.

That when any Member of the Legislative Council shall accept any office, the holding of which would disqualify him from a seat in the Legislative Assembly, he shall vacate his seat; and when he accepts any office, the holding of which would cause him to return to the people for re-election if he held a seat in the Legislative Assembly, he shall only hold such seat with such office after being re-elected.

Wherefore Your Majesty's faithful Commons humbly pray that Your Majesty will be pleased to recommend to the two branches of the Parliament of the United Kingdom, and finally to sanction a measure calculated to give effect to the representations thus humbly submitted for the consideration of Your Majesty.

(signed) *J. Sandfield Macdonald,*
Speaker.

Legislative Assembly Hall, Quebec,
Thursday, 2 June 1853.
