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CANADA.

P A P E R S

RELATIVE TO

THE PROPOSED CHANGES

IN THE

LEGISLATIVE COUNCIL OF CANADA.

Presented to both Houses of Parliament by Command of Her Majesty,
June 1854.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1854.

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P A P E R S

RELATIVE TO THE

PROPOSED CHANGES IN THE LEGISLATIVE COUNCIL
OF CANADA.

No. 1.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the
Duke of NEWCASTLE.

CANADA.

No. 1.

No. 42.

Government House, Quebec, July 1, 1853.

(Received July 11, 1853.)

MY LORD DUKE,

(Answered No. 87, May 26, 1854, page 15.)

I HAVE the honour to transmit herewith the humble address to Her Majesty of Her Majesty's dutiful and loyal subjects the Legislative Council of Canada in Provincial Parliament assembled, on the subject of the Constitution of that House, in order that it may be laid at the foot of the throne.

I have, &c.

(Signed) ELGIN & KINCARDINE.

His Grace the Duke of Newcastle,

&c. &c. &c.

Enclosure in No. 1.

Enclosure in 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 3 & 4 Vict. cap. 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.

EDWARD CARON, Speaker.

Legislative Council,
Saturday, 4th June, 1853.

CANADA.

No. 2.

No. 2.

COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

No. 43.

Government House, Quebec, July 1, 1853.

(Received July 18, 1853.)

(Answered No. 87, May 26, 1853, page 15)

MY LORD DUKE,

I HAVE the honour to enclose herewith the humble Address to Her Majesty of Her Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, on the subject of the Constitution of the Legislative Council, and to request that your Grace will be pleased to cause it to be laid at the foot of the Throne.

2. A proposition which goes to effect a fundamental change in the composition of one of the branches of the Provincial Legislature affords most unquestionably matter for very serious consideration, and it is, moreover, no doubt true, that independently of the important question of principle involved in the measure which is submitted by the Assembly for Her Majesty's approval, difficulties of execution and detail of a very formidable character present themselves, when the attempt is made to combine two elective chambers with a system of government conducted on the rules of British constitutional practice; difficulties, it may be observed, for which no solution is afforded by precedents drawn from the United States, inasmuch as parliamentary government and ministerial responsibility, in the British sense of the term, are unknown to the constitutions of that country. Nevertheless, I feel it my duty in transmitting this address, to state that I know of no expedient which is so likely to impart to the Legislative Council the influence which it is most desirable that it should possess as the substitution of the principle of election for that of nomination by the Crown in the appointment of its members.

3. According to the plan which is sketched in the enclosed address, the Members of either House of the Legislature will be returned by the same constituency. Exception may doubtless be taken to this arrangement; but in the absence of any unobjectionable scheme for the election of Members of the Legislative Council at two degrees, I am disposed to think that on the whole it is better that they should be elected by the constituency which elects the Members of the Legislative Assembly, than that a pretence should be afforded for raising a prejudice against the former body, and weakening its moral influence by the allegation that it represents only a privileged class.

4. The larger constituencies for which, as compared with Members of the Assembly, individual members of the Legislative Council will be returned—the more lengthened periods for which they will be elected—their restricted liability to dissolution by the Crown, and the qualifications in respect to age and fortune or previous service which they will be required to possess, will, it may be hoped, give to that body considerable weight in the political scale, and render a seat in it an object of ambition to the leading statesmen in the province. On the other hand, it is not proposed that the contemplated change in the Council should have the effect of abridging in any respect the privileges, whether as regards money votes or other matters, which the practice of the constitution has conferred on the Legislative Assembly.

5. Your Grace will not fail to perceive from the terms of the Address, that in connexion with the contemplated change it is suggested that no pecuniary qualification should hereafter be required of candidates for the Legislative Assembly, and that the existing Members of the Legislative Council should not retire at once, in order to make way for Members chosen by popular election, but in two bodies selected by ballot, and after the lapse of two and four years. This latter provision may probably tend to facilitate the transition from the present to the new order of things.

I have, &c.

(Signed)

ELGIN & KINCARDINE.

His Grace the Duke of Newcastle,

&c.

&c.

&c.

Enclosure in No. 2.

CANADA.

Encl. in 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 herein-after 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 herein-after 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 at 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-alleu*, of the value of 1,000*l.* 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.

CANADA.

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.

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

(Signed) J. SANDFIELD MACDONALD,
Speaker.

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-General ROWAN to the Duke of
NEWCASTLE.

Government House, Quebec, December 31, 1853.

(Received January 18, 1854.)

MY LORD DUKE,

(Answered No. 87, May 26, 1854, page 15.)

See page 7.

I HAVE been requested to transmit for your Grace's consideration the accompanying draft of a Bill embodying the scheme for remodelling the Legislative Council of the Province, which formed the subject of an humble Address from the Legislative Assembly to Her Majesty, forwarded with the Earl of Elgin's Despatch No. 43, of the 1st of July last. The Members of the Executive Council attach great importance to this measure, and are of opinion that in the event of Her Majesty being graciously pleased to assent to the prayer of the Address in question, the enclosed draft, drawn up by the Attorney-General of Upper Canada in concert with all his colleagues, may relieve the Imperial Government from some trouble and embarrassment in framing an enactment to give effect to the contemplated change.

In the Despatch to which I have adverted, Lord Elgin has very fully discussed this important subject, and I shall only further state for your Grace's information, that the electoral districts named in the Schedule attached to the Draft Bill, contain an average population, in Canada West of 30,000, and in Canada East of 28,000.

His Grace the Duke of Newcastle,
&c. &c. &c.

I have, &c.
(Signed) W. ROWAN,
Lieutenant-General.

No. 4.

No. 4.

EXTRACT of a DESPATCH from Lieut.-General ROWAN to the Duke of
NEWCASTLE.

Government House, Quebec, January 31, 1854.

"WITH reference to my private Despatch of the 31st December, I have the honour to transmit to your Grace a Draft Bill, which the Members of the Executive Council wish to substitute for the one which was enclosed in my former communication on the subject. Some inaccuracies had crept into the Schedule, annexed to the latter, of the proposed electoral districts in Lower Canada, which have been corrected in the copy now submitted."

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 4.

CANADA.

AN ACT to amend the Act re-uniting the Provinces of Upper and Lower Canada.

Enclosure in No. 4.

Preamble.

WHEREAS it is desirable to introduce the elective principle into the constitution of the Legislative Council of the province of Canada: 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 the fourth and fifth sections of the Act passed in the Session of Parliament held in the third and fourth years of Her Majesty's reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, shall be and are hereby repealed, but the repeal thereof shall not be construed to vacate or affect the seat of any person being a member of the Legislative Council at the time of the passing of this Act, except as herein-after provided.

Certain sections of 3d and 4th Vict. c. 35, repealed.

Proviso.

II. The sixth, seventh, and eighth sections of the Act last above cited, shall apply only to persons who shall be members of the Legislative Council at the time of the passing of this Act, (herein-after called "Present Members,") and until they shall cease to be members thereof under the provisions herein-after made.

Certain other sections, to whom to apply.

III. Subject to the provisions herein-after made as to the present members of the Legislative Council, and as to the composition of the said Council until the seats of all the present members thereof shall have been vacated, it shall be composed of sixty members, one to be elected for each of the sixty electoral districts into which the said province shall be divided for that purpose; which electoral districts, until it shall be otherwise provided by Act of the Legislature of the said province, shall be those mentioned in the Schedule to this Act.

How the Legislative Council shall be composed.

Electoral Districts established.

IV. The Members of the Legislative Council for the said electoral districts respectively shall be elected by the persons then qualified to vote at elections of members of the Legislative Assembly in respect of property situate in the electoral district for which the election is held; and the laws then in force with respect to elections of members of the Legislative Assembly, and to the issuing and return of writs of election, the powers and duties of returning officers and their deputies, and of election and poll clerks, the prevention or punishment of offences committed at or in respect of such elections, and to all proceedings at elections or matters connected with or incidental to such elections, shall extend and apply to elections of members of the Legislative Council as fully as to elections of members of the Legislative Assembly, and shall be construed as having been enacted with respect to elections of members of the Legislative Council, except only in so far as they may be inconsistent with this Act, or as may be otherwise provided by Act of the Legislature of the said province.

By whom the members shall be elected.

Elections to be governed by the present laws relative to elections of members of the Assembly.

V. In construing such laws as aforesaid with reference to the elections of members of the Legislative Council, the Legislative Council shall be held to be intended whenever the Legislative Assembly is mentioned or referred to and the electoral districts returning members to the Legislative Council, shall be held to be intended whenever the counties, ridings, cities and towns returning members to the Legislative Assembly are mentioned or referred to; and whenever there is in any such law any special provision applying only to places in Lower Canada or in Upper Canada respectively returning members to the Legislative Assembly, such provisions shall apply only to electoral districts in the same section of the province returning members to the Legislative Council; and all special provisions in such laws enacted only with reference to the counties of Saguenay and Gaspé, shall apply to the electoral districts in which the said counties shall be included, and to them only.

How such laws shall be construed in applying them to elections of members of the Legislative Council.

VI. In applying such laws as aforesaid with reference to elections of members of the Legislative Council, proper changes shall be made in the forms therein referred to. In the indenture of election of a member of the said Council, no words expressing the time for which he is to serve shall be inserted, nor shall any words of like import be hereafter inserted in the indenture of the election of a member of the Legislative Assembly.

Proper changes to be made in forms, &c.

VII. Provided always, that no person shall be qualified to be elected as a member of the said Legislative Council, or to sit as an elected member thereof, unless he be a subject of Her Majesty by birth or naturalization, of the full age of thirty years, and a stated resident of the said province, nor unless he shall have been, previously to such election, a member of the Legislative Council of Upper or of Lower Canada or of Canada, or a member of the Legislative Assembly of Upper or of Lower Canada or of Canada, or shall be possessed to his own use and benefit of real property situate in Canada held in free and common soccage, or *en fief*, or *en roture* or *franc aleu*, of the value of one thousand pounds currency, over and above all rents, mortgages, charges, and incumbrances charged upon or due and payable out of or affecting the same; and every candidate at an election of a member of the Legislative Council, who must under this section possess a property qualification in order to his being capable of being elected, shall, in person or by his agent, if required by any other candidate, or by any elector or by the returning officer, deliver to the returning officer a declaration in writing signed by such candidate in the following form:

Qualification of members of the Legislative Council.

Declaration required of candidates in certain cases.

CANADA.

The Declaration.

"I, A. B., declare and testify that I am duly seised at law (or in equity) as of freehold for my own use and benefit, of the following lands (or tenements) held in free and common socage, or duly seised and possessed for my own use and benefit of lands (or tenements) held *en fief* or *en roture* or *en franc aleu* (as the case may be), that is to say, of (here insert a correct and clear description of the lands or tenements forming the property qualification of the candidate and of their local situation,) which said lands (or tenements) I declare to be of the full value of one thousand pounds currency, over and above all rents, mortgages, charges, and incumbrances charged upon or due and payable out of or affecting the same; and I further declare that I have not collusively or colourably obtained a title to or become possessed of the said lands (or tenements) or any part thereof, for the purpose of qualifying or enabling me to be returned as a member of the Legislative Council of this Province"

Certain provisions to apply to such declarations.

And to the making and delivering of such declaration, and the duties of the returning officer respecting the same, the provisions of law in force at the time of the passing of this Act, with regard to the making and delivering of the declaration which may now be required of candidates at elections of members of the Legislative Assembly, and to the duties of the returning officer with respect to such declaration, shall extend and apply.

Penalty for wilfully making a false declaration.

VIII. If any person shall knowingly and wilfully make a false declaration respecting his qualification to be elected a member of the said Legislative Council as aforesaid, such person shall 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 false declaration shall have been made.

Members becoming bankrupt, &c. disqualified.

IX. If any Member of the Legislative Council 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 be convicted of felony, or of any infamous crime, his seat in the said Council shall thereby be vacated.

Persons disqualified to be members of Assembly to be disqualified as members of the Legislative Council. As to re-election in certain cases.

X. Every person who shall be disqualified by law to be elected or to sit as a member of the Legislative Assembly of the said province, shall be disqualified to be elected or to sit as a member of the Legislative Council thereof; and whenever any member of the said Legislative Council shall accept any office, the acceptance of which would vacate his seat if he were a Member of the Legislative Assembly, he shall thereby vacate his seat in the Legislative Council, but may be re-elected if the office be one which would not disqualify him to be elected as a Member of the Legislative Assembly.

Members of one House not eligible as members of the other.

XI. No person being then a member of the Legislative Assembly of the said province, shall be elected a member of the Legislative Council thereof, and no person being then a member of the Legislative Council shall be elected a member of the Legislative Assembly.

Members may resign, and how.

XII. Any member of the Legislative Council shall have power to resign and vacate his seat at any time, either during a session of the Provincial Parliament or in the recess between two sessions, in the manner and subject to the provisions in and under which members of the Legislative Assembly may vacate their seats; and the laws then in force relative to the resignation and vacation of the seats of members of the Legislative Assembly, and matters thereunto relating or therewith connected, shall extend and apply to the resignation and vacation of the seats of members of the Legislative Council, and shall be construed as having been enacted with respect thereto, except only in so far as may be inconsistent with the provisions of this Act, or as may be otherwise provided by Act of the Legislature of the said province: Provided always, that no member of the Legislative Council shall resign his seat therein while his election is controverted, or remains liable to be controverted for any other cause than bribery or corruption.

Certain laws to apply.

Provide.

XIII. The elections of members of the Legislative Council shall be held under writs of election to be prepared by the Clerk of the Crown in Chancery for the said province, which shall be in the same general form as writs for the election of members of the Legislative Assembly, with such changes in the wording thereof as the circumstances shall require; and the Speaker of the Legislative Council shall, with respect to such writs and the issuing thereof, have the like duties and powers as the Speaker of the Legislative Assembly shall have with regard to writs of election for members of the Legislative Assembly, and the said clerk of the Crown in Chancery shall be deemed an officer of the Legislative Council with regard to such writs, to the same extent as he is with regard to writs for the election of members of the Legislative Assembly, by law deemed the officer of that house.

As to writs of election.

Powers and duties of Speaker.

XIV. Until it shall be otherwise provided by Act of the Legislature of the said province, the returning officer for the election of a member of the Legislative Council for any electoral district shall be appointed by the Governor of the said province, the person so appointed being an elector duly qualified to vote at the election and not disqualified by law from acting as a returning officer at an election of a member of the Legislative Assembly, or being a person who is by law the returning officer for some place represented by a member in the Legislative Assembly and lying wholly or partly within such electoral district; and at any such election of a member of the Legislative Council, those persons shall be appointed deputy returning officers, who might under the laws then in force be appointed

Returning officers to be appointed by the Governor until otherwise provided. Qualification.

Deputy returning officers, &c.

deputy returning officers for the townships or other subdivisions respectively in and for which polling places are to be opened, but in default of such persons the returning officer shall appoint such qualified persons as he shall think proper; and any person may be at the same time returning officer or deputy returning officer at an election of a member of the Legislative Council, and at an election of a member of the Legislative Assembly.

XV. The authority of the returning officer for the election of a member of the Legislative Council, shall extend over the whole electoral district for which such election is to be held, in like manner as the authority of the returning officer for the election of a member of the Legislative Assembly extends over the whole of the county or place for which the election is to be held; and if a poll be demanded, it shall be held in each subdivision in which a poll is directed to be held at an election of a member of the Legislative Assembly; and if there be in any electoral district any tract of land which is not included in any subdivision in and for which a polling place is to be held, then the returning officer shall, in and by his proclamation fixing the nomination day for such election, declare that any such tract of land shall, for the purposes of such election, be annexed to any subdivision for which a poll is to be held, or that a separate poll shall be held for such tract; and any such tract so annexed shall, for all the purposes of the election, be held to form part of the subdivision to which it shall be so annexed; and for any such tract for which the returning officer shall declare that a separate polling place shall be held, a deputy returning officer shall be appointed if a poll be demanded; and it shall, for all the purposes of the election, be dealt with and considered as a subdivision in and for which a separate poll is to be opened under the laws regulating elections of members of the Legislative Assembly, hereby extended to elections of members of the Legislative Council; and in cases where the deputy returning officer is under the said laws to be furnished with a copy of any list of voters, or other document for ascertaining the persons entitled to vote, he shall in like manner be furnished with a copy of such list or document with respect to any such tract in respect of which he is to be deputy returning officer.

Local extent of authority of returning officer.

Polls, where to be held, if demanded.

As to copies of lists of voters, &c.

XVI. A poll for the election of a member of the Legislative Council, and a poll for the election of a member of the Legislative Assembly, may be held at the same time and at the same place, but if such polls be appointed to be held at the same time and at two separate places in the same subdivision, and the same person be the deputy returning officer at both elections, then such deputy returning officer shall appoint a poll clerk for each place, and such poll clerk shall, in the absence of the deputy returning officer, act in his stead as if such deputy returning officer were incapacitated from acting.

Provision where a member of the Council and a member of Assembly are to be elected at one time in the same place.

XVII. Each member of the Legislative Council elected as aforesaid shall (except in the case of dissolution as herein-after mentioned,) be entitled to serve and sit therein during six years from the return of the writ under which he shall have been elected, and if such period shall expire during any Session of the Legislature of the said province, then until the end of such session, unless he shall sooner vacate his seat, by resignation, acceptance of office or otherwise; excepting always, that a member elected to fill a vacancy occasioned otherwise than by a dissolution or the lapse of the time for which the member vacating his seat was entitled to serve, shall hold his seat only until the time when the member in whose place he is elected would have vacated such seat by lapse of time.

Term for which Members shall serve.

Exception.

XVIII. Neither the expiration of the period for which any Legislative Assembly is to continue, nor the dissolution of any Legislative Assembly, shall *ipso facto* affect the continuance of the Legislative Council for the time being; but it shall be lawful for the Governor of the said Province to dissolve the Legislative Council and the Legislative Assembly, or either of them separately from the other, in like manner as he may now dissolve the Legislative Assembly; and after any such dissolution it shall be lawful for the Governor of the said Province, by an instrument or instruments under the Great Seal thereof, to summon and call together a Legislative Council and a Legislative Assembly in and for the said province, or a Legislative Council only, or a Legislative Assembly only, as the case may require; but no session of the Parliament or Legislature of the said province shall be held unless there be both a Legislative Council and a Legislative Assembly then legally summoned and called together; and any such dissolution of the Legislative Council shall vacate the seat of every member thereof, whether elected under this Act or a member thereof before the passing of this Act, and new writs shall issue for the election of members of the Legislative Council for all the electoral districts, in like manner and under like provisions as after the dissolution of the Legislative Assembly new writs are to issue for the election of members thereof: Provided always, that the Legislative Council shall not be so dissolved unless it shall, in two successive sessions, (the last of which shall be the session next preceding the dissolution,) and at an interval of at least six calendar months, have rejected or failed to pass, or so amended as to cause it to fail in the Legislative Assembly and therefore not to be presented for the Royal Assent, a Bill which shall have passed the Legislative Assembly in the said two successive sessions, nor unless such bill shall in the second of such two sessions have passed the Legislative Assembly with the concurrence of an absolute majority of all the members thereof; nor shall it in any such case be imperative on the Governor of the said Province to dissolve the Legislative Council unless he shall see fit so to do; and the Provincial Parliament which shall meet next after any dissolution, either of the Legislative Council or of the Legislative Assembly, or of both, shall be held to be a new Parliament.

Either House may be dissolved separately from the other, and a new one called;

but no Session to be held without both Houses. Effect of dissolution of Legislative Council.

Proviso; in what case only the Legislative Council shall be dissolved.

Dissolution to make a new Parliament.

CANADA.

Peculiar powers of Legislative Council and Assembly respectively.

Laws relative to controverted Elections of members of Assembly to apply to those of members of Legislative Council.

Appointment of Speaker, and term of office.

When the foregoing enactments shall come into effect. Certain things may be done before.

Certain sections of the said Act repealed thereafter.

Ballot for determining which of the present members shall first retire, and which of the Electoral Districts shall be first represented.

XIX. The Legislative Council of the said Province shall have the exclusive power of hearing, trying, and adjudicating upon impeachments preferred by the Legislative Assembly against high public functionaries in the said province; but with this exception, the peculiar privileges and powers of the Legislative Assembly and of the Legislative Council respectively shall remain unaltered, save only in so far as they may be inconsistent with the express provisions of this Act.

XX. The laws of the said province then in force relative to the trial of controverted elections of members of the Legislative Assembly shall extend and apply to controverted elections of Members of the Legislative Council, and to all proceedings, matters, and things connected with or incidental to such controverted elections, as fully as to those of elections of members of the Legislative Assembly, and the matters and things therewith connected or incidental thereto, and shall be construed as having been enacted with respect to such controverted elections of members of the Legislative Council, except in so far as it shall be otherwise provided by Act of the Legislature of the said Province; and in construing such laws with reference to controverted elections of members of the Legislative Council, the Legislative Council shall be held to be intended whenever the Legislative Assembly is mentioned or referred to, and whenever the counties, ridings, cities, and towns returning members to the Legislative Assembly are mentioned or referred to, the electoral districts returning members to the Legislative Council shall be deemed to be intended, and when the expiration or dissolution of Parliament is mentioned or referred to, the dissolution of the Legislative Council shall be held to be intended; and the changes requisite in consequence of such construction shall be made in all forms referred to in such laws: Provided always, that whenever the votes of the Legislative Council shall not be printed, any document or information directed by such laws to be printed and distributed with the votes, shall be printed and distributed in such manner as the Legislative Council shall direct from time to time.

XXI. The Speaker of the Legislative Council shall continue to be appointed as heretofore from among the then members of the said Council, and the appointment of any member of the said Council to be Speaker thereof shall not vacate his seat as such member, and the Speaker so appointed shall hold his office until he shall be removed or shall cease to be a member, as shall the Speaker in office at the time when this section shall come into force; and in any law hereby extended to the Legislative Council as aforesaid, whenever the Speaker of the Legislative Assembly is mentioned or referred to, the Speaker of the Legislative Council shall be held to be intended in construing such law as applied to the said Council.

XXII. The foregoing enactments shall come into force from and after proclamation thereof under the great seal of the said province; but at any time after the passing of this Act, it shall be lawful for the Legislature of the said province to pass any Act which they may deem necessary to give full effect to the said enactments when they shall come into force, or to supply any omission therein, or to alter or amend such of the said enactments as they herein-after are empowered to alter and amend; and it shall also be lawful for the Legislative Council, or the Governor of the said province, to do anything which they may respectively deem necessary for giving effect to the said enactments when they shall come into force, provided such Act or thing be not inconsistent with the express provisions herein contained.

XXIII. From and after the time when the said enactments shall come into force, the twenty-eighth and twenty-ninth sections of the Act first above cited, requiring a property qualification for members of the Legislative Assembly, shall be repealed, with so much of any Act of the Legislature of the said province as may relate to the said qualification or to the declaration mentioned in the said sections.

XXIV. As early as conveniently may be after the issuing of the Proclamation aforesaid, the Speaker of the Legislative Council shall cause the names of all the members thereof, and the names of all the electoral districts in the Schedule to this Act, to be written upon pieces of paper or tickets as nearly as may be of the same size and shape, one name on each such piece, and shall cause to be procured four boxes of like size and form and convenient for the purpose herein-after mentioned, and shall give such notice as may be found convenient and practicable to the members of the said Council, informing them that he has prepared the said tickets and boxes, and declaring the day and hour on and at which he will proceed to comply with the other requirements of this section, and requesting the attendance of such members; and such day may be either during a Session of the said Legislature or in the recess between two Sessions thereof; and at the time so appointed the said Speaker shall, in the presence of such members of the said Council and officers thereof as shall then attend in the hall or place where the sittings of the said Council are usually held, and whatever be the number of members then present, cause the said tickets to be produced at the Clerk's table, and to be divided into four parcels, the first containing the names of all the members of the Legislative Council who at the time of their appointment as such were residents of Lower Canada, the second containing the names of those who at the time of their appointment were residents of Upper Canada, the third containing the names of all the electoral districts in Lower Canada, and the fourth containing those of

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all the electoral districts in Upper Canada; he shall then cause the tickets in each parcel to be folded as nearly as possible in the same form and shape, and so that the writing thereon cannot be seen, and shall cause each parcel of tickets to be put into one of the said boxes and shaken; the clerk of the said Legislative Council shall then openly draw out the tickets from the first and second parcels alternately one by one, shaking the box before drawing each ticket, opening each ticket as it is drawn and recording the name found thereon, and shall in like manner proceed with respect to the third and fourth parcels; and the order in which the names on the first and second parcel of tickets respectively shall be so drawn and recorded, shall be the order in which the present members of the Legislative Council shall vacate their seats, and the order in which the names in the third and fourth parcels shall be drawn and recorded, shall be the order in which the several electoral districts shall become entitled to return members to represent them in the Legislative Council and to have elections held in them for that purpose; excepting always the case of a dissolution of the said Legislative Council, by which the seats of all the members thereof shall be vacated and a member shall be elected for every electoral district.

Exception in cases of dissolution.

XXV. Copies of the lists of members and of electoral districts in the order in which they shall be drawn and recorded under the next preceding section, shall be certified by the Speaker of the Legislative Council and transmitted by him to the governor of the said province, who shall thereupon and without further notice have full authority to issue writs of election at the proper times and for the proper electoral districts according to the provisions herein-after made.

Copies of lists to be transmitted to the Governor, and Writs to issue.

XXVI. As soon as copies of the said lists of members and of electoral districts shall have been transmitted to the Governor of the said province under the next preceding section, writs of election may be issued for the election of twenty members of the said Council in and for those twenty of the electoral districts which stand first in the certified list of the said districts: and at the expiration of two years from the return of the first of such writs, (or if the two years should expire during a session of the Provincial Parliament then at the close of such session,) one half of the present members of the Legislative Council, consisting of those whose names shall stand above those of the other members in the list certified to the Governor as aforesaid, shall vacate their seats, and writs of election may be issued for the election of members of the Legislative Council in and for those twenty electoral districts which shall stand in the list of electoral districts certified to the Governor as aforesaid next after those in and for which elections shall have been already held; and at the expiration of four years from the return of the first of the writs of election first issued under this section, (or if the four years should expire during a session of the Provincial Parliament then at the close of such session,) the remainder of the present members of the Legislative Council shall vacate their seats, and writs of election may be issued for the election of members of the Legislative Council in and for the remaining twenty electoral districts; and such writs of election shall respectively issue within fourteen days from the time when the issuing thereof is hereby made lawful. If the number of members on the list certified as aforesaid be not exactly divisible by two, the number next less than one half thereof shall for the purposes of this section be taken to be one half, and in making such division all the members on the list shall be reckoned, although the seats of some of them may in the mean time have become vacant by death, resignation, or otherwise.

Twenty Members to be first elected.

Twenty more at the end of two years.

And twenty more at the end of four years.

Within what time Writs must issue. Proviso.

XXVII. In the session next after any dissolution of the Legislative Council, the Speaker thereof shall cause to be made by ballot in the manner above provided with respect to the list of electoral districts herein-before mentioned, and shall certify to the Governor of the said province a list of such electoral districts arranged in the order which shall have been determined by such ballot, the name of an electoral district in Lower Canada being inserted first in such list, and then the name of an electoral district in Upper Canada, and so on alternately in the order in which the names shall have been drawn; and the seats of the members representing the twenty electoral districts standing first on the said list shall be vacated at the end of two years from the return of the writs under which they shall have been respectively elected; the seats of the members representing the twenty electoral districts standing next on the said list shall be vacated at the end of four years from the return of the writs under which they shall have been respectively elected; and the seats of the members representing the twenty electoral districts standing last on the said list shall be vacated at the end of six years from the return of the writs under which they shall have been respectively elected; except that if the period during which any such member shall be entitled to hold his seat under this section shall expire during a session of the Provincial Parliament, the seat of such member shall not be vacated under this section until the close of such session.

A similar ballot to be made after a dissolution of the Council.

Order of retirement of Members elected after a dissolution.

Exception.

XXVIII. In every case where the seat or seats of a member or members of the Legislative Council shall be vacated by a dissolution or by the mere lapse of time, or the occurrence of the event by which under the provisions of this Act such seat or seats are to be vacated, the writ or writs of election to be issued in consequence of the vacation of such seat or seats, shall be issued without its being necessary that any notice should be given by or to any party, and such writ or writs shall be issued within fourteen days from the time when such time shall have elapsed or such event shall have occurred as aforesaid; but if any such seat shall be vacated otherwise than as aforesaid, and a writ of election is to be issued in consequence of such vacancy, notice thereof shall be given to the Clerk of

In what cases only notice of the vacancy in the Council need be given.

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The Canadian Legislature may amend certain provisions of this Act.

Certain provisions shall not be altered.

Interpretation clause.

the Crown in Chancery, and the writ of election shall thereupon issue in like manner, mutatis mutandis, as in cases of vacancies occurring in the Legislative Assembly.

XXIX. It shall be lawful for the Legislature of the said province by any Act or Acts to be passed after the passing of this Act, to alter the electoral districts into which the said province is or shall be divided for the purposes of this Act, or to alter the laws relative to elections of members of the Legislative Council, the issuing and return of writs of election, the provisions respecting returning officers at such elections, and other matters incident to or connected with such elections, or relative to the vacating of the seats of elected members of the Legislative Council, or to the trial of controverted elections of persons returned as members thereof, or of election petitions and matters incident thereto; but neither the qualification herein required for members of the Legislative Council, nor their period of service as such if their seats be not vacated before such period expires, nor the power of the Governor of the said province to dissolve the said Council, shall be altered or affected by any such Act, nor shall it be lawful for the said Legislature to divide the province for the purpose of representation in the Legislative Council, otherwise than into sixty electoral districts, thirty of which shall be in Upper Canada and thirty in Lower Canada, nor to alter the number of members of the said Council, nor to cause such electoral districts to be represented in the Legislative Council otherwise than by one member each.

XXX. The expressions "The Legislative Council" or "The said Council," and "The Legislative Assembly" in this Act shall be understood to mean respectively, the Legislative Council and the Legislative Assembly of the said province of Canada, the name of any officer shall include his deputy or the person performing the duties of his office; and the other words and expressions in this Act shall have the same meaning as the like words and expressions in the Act hereby amended, and shall be construed with reference thereto.

SCHEDULE.

ELECTORAL DISTRICTS for the Legislative Council of the province of Canada, referred to in the foregoing enactments.

The counties, ridings, cities and towns intended in this Schedule, are those described and established or adopted and referred to for purposes relative to representation in the Legislative Assembly, in and by the Act of the Legislature of the said province, passed in the sixteenth year of Her Majesty's reign, and intituled, *An Act to enlarge the Representation of the People of this Province in Parliament.*

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
1. Beaufre.	<p style="text-align: center;">LOWER CANADA.</p> <p>The counties of Chicoutimi, Tacousac, Saguenay, and Montmorency.</p>
2. Quebec.	<p>So much of the city of Quebec as lies within the parish of Notre Dame de Quebec, and the parish of Ste. Foy, in the county of Quebec.</p>
3. St. Roch.	<p>So much of the city of Quebec as lies within the parish of St. Roch de Quebec, and all the county of Quebec except the parish of Ste. Foy.</p>
4. Ste. Anne.	<p>The counties of Portneuf and Champlain.</p>
5. Yamachiche.	<p>The counties of St. Maurice and Maskinongé, and the town of Three Rivers.</p>
6. The Gulf.	<p>The counties of Gaspé and Bonaventure, and so much of the county of Rimouski as lies to the north-eastward of the north-eastern boundary of the parish of St. Germain prolonged to the Province Line, with all the islands in the river St. Lawrence lying opposite and nearest to the said electoral district.</p>
7. Trois Pistoles.	<p>So much of the county of Rimouski as is not included in the electoral district of The Gulf, the county of Temiscouatas and so much of the county of Kamouraska as lies to the north-eastward of the north-eastern boundary of the parish of St. Louis as far as that of St. Paschal, and thence to the north-eastward of the south-western line of the said parish of St. Paschal and of the township of Woodbridge prolonged to the province line, so as to exclude the said parish of St. Louis, but including in the said electoral district the said parish of St. Paschal and the said township of Woodbridge, with all the islands in the river St. Lawrence, lying opposite and nearest to the said electoral district.</p>

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
8. Port Joly.	So much of the county of Kamouraska as is not included in the electoral district of Trois Pistoles, the county of L'Islet, and so much of the county of Montmagny as lies to the north-eastward of the south-western boundary of the parish of St. Thomas, prolonged to the province line; with Crane Island and all the islands in the river St. Lawrence lying opposite and nearest to the said electoral district.
9. Lauzon.	So much of the county of Montmagny as is not included in the electoral district of Port Joly, the county of Bellechasse, and the county of Lévis with the exception of the parish of St. Nicolas.
10. Satigan.	The counties of Dorchester and Beauce.
11. Bécancour.	The county of Nicolet, the parish of St. Nicolas in the county of Lévis, and the county of Lotbinière with the exception of the parishes of St. Giles, St. Sylvester, and Ste. Agathe.
12. Bois-Franc.	The counties of Megantic, Arthabaska, and Wolfe, and the parishes of St. Giles, St. Sylvester, and Ste. Agathe in the county of Lotbinière.
13. Ascot.	The counties of Drummond, Sherbrooke, and Compton, and the town of Sherbrooke.
14. Hatley.	The county of Stanstead, the East Riding of the county of Missisquoi, and the township of Dunham and the seigniory of St. Armand in the West Riding of the said county.
15. Monnoir.	The county of Iverville, so much of the West Riding of the county of Missisquoi as is not included in the electoral district of Hatley, and the parishes of St. Mathias and St. Marie de Monnoir in the county of Rouville.
16. Rougemont.	The county of St. Hyacinthe, and so much of the county of Rouville as is not included in the electoral district of Monnoir.
17. Upton.	The counties of Shefford and Bagot.
18. Sorel.	The county of Yamaska, and so much of the county of Richelieu as lies on the north-east side of the river Richelieu.
19. Boucherville.	The counties of Verchères and Chambly, and so much of the county of Richelieu as is not included in the electoral district of Sorel.
20. Blairfindie.	The counties of Laprairie and St. John's.
21. Lasalle.	The counties of Chateaugay and Napierville.
22. Godmanchester.	The counties of Beauharnois and Huntingdon.
23. Aylmer.	The counties of Ottawa and Pontiac, and the townships of Chatham, Harrington, Wentworth, and Grenville, and its augmentation, in the county of Argenteuil.
24. Montreal West.	So much of the City of Montreal as lies to the south-westward of a line drawn from the river St. Lawrence along the middle of St. Joseph Street to Notre Dame Street, thence along the middle of Notre Dame Street to St. Lambert Street, and thence along the middle of St. Lambert Street and the main street of the St. Lawrence suburbs to the north-western limits of the city.
25. Montreal East.	So much of the said city of Montreal as is not included in the Electoral District of Montreal West.
26. Pointe Claire.	The Counties of Vaudreuil and Soulanges and the Jacques Cartier riding of the county of Montreal.
27. Mille Isles.	The county of Two Mountains, so much of the county of Argenteuil as is not included in the electoral district of Aylmer, the parishes of St. Jérôme and Lacorne, and the townships of Abercrombie and Beresford in the county of Terrebonne, and so much of the township of Morin as lies in the county last named.
28. Blainville.	The county of Laval, so much of the county of Terrebonne as is not included in the electoral district of Mille Isles, and the Hochelaga riding of the county of Montreal.
29. Leinster.	The counties of L'Assomption and Montcalm.
30. Lanoraie.	The counties of Berthier and Joliette.
31. Lower Ottawa.	UPPER CANADA. The counties of Prescott and Russell, the town of Bytown, and the townships of Nepean and North Gower in the county of Carleton.

CANADA.

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
32. Upper Ottawa.	The county of Renfrew, the North Riding of the county of Lanark, and townships of Fitzroy, Tarbolton, Huntley, March, Goulbourn, and Marlborough, and the village of Richmond, in the county of Carleton.
33. Lower St. Lawrence.	The counties of Glengarry and Stormont and the town of Cornwall.
34. Upper St. Lawrence.	The county of Dundas, the South Riding of the county of Grenville, and the townships of South Gower and Oxford, in the North Riding of Leeds and Grenville.
35. Rideau.	The South Riding of the county of Lanark, the townships of Wolford, Elmsley, and Kitley, in the North Riding of the counties of Leeds and Grenville, and the townships of North Crosby, South Crosby, Burgess, and Bastard, in the South Riding of the county of Leeds.
35. Gananoque.	The county of Frontenac except the township of Kingston, the townships of Yonge, Escott, Leeds, and Lansdowne, in the South Riding of the county of Leeds, and the town of Brockville.
37. Cataraqui.	The county of Addington, the city of Kingston, and the township of Kingston, in the county of Frontenac.
38. Bay of Quinté.	The counties of Lenox and Prince Edward, and the township of Tyendinaga in the South Riding of the county of Hastings.
39. Midland.	The North Riding of the county of Hastings, the townships of Sydney and Thurlow, and the town of Belleville, in the South Riding of the county of Hastings, and the townships of Murray and Seymour, in the East Riding of the county of Northumberland.
40. Newcastle.	The West Riding of the county of Northumberland, the townships of Brighton, Cramahé, and Percy, in the East Riding of the said county, and the township of Hope and town of Port Hope, in the East Riding of the county of Durham.
41. Queen's.	The counties of Peterborough and Victoria, and the township of Cavan in the East Riding of the county of Durham.
42. King's.	The West Riding of the county of Durham, the township of Manvers in the East Riding of the said county, the township of Whitby and the village of Oshawa in the South Riding of the county of Ontario, and the township of Reach in the North Riding of the said county.
43. Scarborough.	The North Riding of the county of Ontario except the township of Reach, the township of Pickering in the South Riding of the said county, the township of Scarborough in the East Riding of the county of York, and the North Riding of the said county except the township of King.
44. Home.	The West Riding of the county of York, the East Riding of the said county except the township of Scarborough.
45. Toronto.	The city of Toronto.
46. Notewasaga.	The North and South Ridings of the county of Simcoe, and the township of King in the North Riding of the county of York.
47. Trafalgar.	The county of Peel and the township of Trafalgar in the county of Halton.
48. Gore.	The county of Halton except the township of Trafalgar, the North Riding of the county of Wentworth, and the township of Puslinch in the county of Wellington.
49. Burlington Bay.	The city of Hamilton, the South Riding of the county of Wentworth, and the townships of Grimsby, Clinton, and Louth in the county of Lincoln.
50. Grand River.	The county of Haldimand, the townships of Gainsborough, and Caistor, in the county of Lincoln, the township of Onondaga in the East Riding of the County of Brant, and the townships of Tuscarora, Oakland, and West Brantford, and the town of Brantford in the West Riding of the said county.
51. Niagara Falls.	The county of Welland, the township of Grantham, and the town of St. Catherines, in the county of Lincoln, and the town of Niagara.

Names of the Electoral Districts.	Of what such Electoral Districts shall respectively consist.
52. Woodstock.	The townships of South Dumfries and East Brantford, and the village of Paris in the East Riding of the county of Brant, the township of Burford in the West Riding of the said county, the townships of Blenheim, Blandford, and East Zorra, and the town of Woodstock in the North Riding of the county of Oxford, and the townships of North Oxford, West Oxford, and East Oxford, in the South Riding of the said county, including the village of Ingersoll.
53. Long Point.	The county of Norfolk, and the townships of Norwich and Dereham, in the South Riding of the county of Oxford.
54. Talbot.	The East and West Riding of the county of Elgin, and the townships of Howard and Orford in the county of Kent.
55. Western.	The county of Essex, and the county of Kent except the townships of Howard and Orford.
56. The Thames.	The East Riding of the county of Middlesex, the town of London, the townships of East Nissouri and West Zorra, in the county of Oxford, the township of Biddulph in the county of Huron, and the township of Blanchard in the county of Perth.
57. St. Clair.	The county of Lambton and the West Riding of the county of Middlesex.
58. Saugeen.	The county of Bruce, the county of Huron except the township of Biddulph, and the county of Perth except the township of Blanchard.
59. Sydenham.	The county of Grey, the North Riding of the county of Wellington, and the townships of Erin and Eramosa in the South Riding of the said county.
60. The Duke's.	The North and South Ridings of the county of Waterloo, and the township of Guelph (including the town of Guelph) in the South Riding of the county of Wellington.

No. 5.

COPY of a DESPATCH from the Duke of NEWCASTLE to the Earl of ELGIN AND KINCARDINE.

No. 87.

MY LORD,

Downing Street, May 26, 1854.

I HAVE to acknowledge your Despatch, No. 42, of the 1st July last, enclosing an Address from the Legislative Council on the subject of the constitution of the Legislative Council; and No. 43, of the same date, enclosing an Address from the Commons of Canada in Provincial Parliament assembled, on the same subject.

2. I have also to acknowledge a private Despatch of the 31st December last from the officer administering the government, enclosing the Draft of a Bill intended to carry into execution the objects of the latter Address.

3. I have, in reply, to inform you, that Her Majesty's Government are about to introduce immediately a Bill into Parliament giving the Legislature of Canada such powers to alter the provisions of the Canada Union Act, respecting the Legislative Council, as will suffice to effect the objects of the Address, should the Legislature, on re-consideration, deem the change expedient.

16 PAPERS RELATIVE TO THE PROPOSED CHANGES, &c.

4. It is proposed to take the same opportunity to repeal that clause of the Union Act by which Acts of a specified description are required to be laid before Parliament for a certain period before they can receive the assent of the Crown; a restriction which has been found inconvenient and unnecessary.

I have, &c.

(Signed) NEWCASTLE.

The Earl of Elgin and Kincardine,
&c. &c. &c.

A P P E N D I X.

EXTRACT from the VOTES and PROCEEDINGS of the Legislative Assembly of Canada.—31st May 1853.

CANADA.
Appendix.

The following Resolutions passed in Committee, on Saturday last, were reported, and read:—

1. *Resolved*,—That under the circumstances in which the Province of Canada is placed, in a social, political, and economical point of view, 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.

2. *Resolved*,—That the object in view might best be attained by dividing each of the Sections of the Province into thirty Territorial Divisions, containing each as nearly as possible an equal amount of population, and by allowing the persons qualified to vote at the election 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 herein-after 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.

3. *Resolved*,—That Twenty new Members of the said Legislative Council ought to be first elected; that subject to a dissolution as herein-after 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, shall 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 shall 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.

4. *Resolved*,—That the persons qualified to be elected Members of the Legislative Council should be all subjects of Her Majesty, by birth or naturalization, 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 Her 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 aleu* of the value of one thousand pounds, currency, over and above all debts due and chargeable upon 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.

5. *Resolved*,—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.

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6. *Resolved*,—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.

7. *Resolved*,—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.

8. *Resolved*,—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 Resolutions.

9. *Resolved*,—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.

Hon. Mr. *Morin* moved, and the Question being proposed, That the said Resolutions be now read a second time;

Mr. *Laurin* moved an amendment, That the said Resolutions be recommitted to a Committee of the whole House, for the purpose of leaving out the 2nd, 3rd, 4th, 5th, and 7th, and substituting the following:—

1. That the only qualification required in order to be elected a Member of the Legislative Council or of the Legislative Assembly, ought to be the confidence of the People of this Province, subject to the restrictions imposed by the Act of Union only, with reference to the age of the Candidate, and to his situation as a subject of Her Majesty, born or naturalized.

2. That the Members of the Legislative Council ought to be elected for the same period as the Members of the Legislative Assembly; that, consequently, the Legislative Council of this Province ought to last four years from the date of the return of the Writs issued for the Election of the Members thereof, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor General, as he may be advised.

3. That in order to attain the object in question, each Section of this Province ought to be divided into twenty territorial divisions, containing each as approximately as possible an equal number of inhabitants, and that it should be lawful for the persons qualified to vote at the Elections of Members of the Legislative Assembly, in each division, to elect a person qualified in the manner above mentioned, as a Member of the Legislative Council;

Yeas :

Messrs. Dubord, Fortier, Jobin, Laurin, Lemieux, Marchildon, and Valois,—7.

Nays :

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Dixon, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Lacoste, Langton, LaTerrière, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Attorney General Richards, Robinson, Rolph, Rose, Sanborn, Shaw, Sherwood, Sicotte, Smith of Durham, Stevenson, Street, Taché, Terrill, Turcotte, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—51.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That the system of Government which obtains in the Mother Country and has been introduced into this Province, rests mainly for its safety and efficiency on the facility with which the Ministry of the day can be made amenable to public opinion for their conduct, and removed from office upon Address to the Crown from the representatives of the people: That the House of Assembly, under the existing Constitutional system of Canada, is the admitted exponent of public opinion, and is in a position to exercise a prompt and effective check over the administration of public affairs: That a second Legislative Chamber, elected by popular vote, would speak equally with the House of Assembly the wishes of the people, and would be equally entitled to express them to the Crown: That the rapid changes which experience has shown continually to take place in public sentiment, the difference in the electoral divisions for which the Members of the two Chambers respectively would sit, and the different terms for which they would be elected, leave no reason to doubt that the political views of the majority of the Lower House would frequently be in direct opposition to those of the majority of the Upper House: That when such variance of opinion occurred in the political views of the majorities of the two Chambers, an Address of want of confidence from one House might be met by a vote of confidence from the other House, and the Executive would be left practically uncontrolled: That when such variance in the opinion of the two branches occurred, the responsibility of the Ministry of the day—for the right conduct of all public affairs, Legislative and Execu-

tive, so absolutely essential under the British Constitutional system—would cease, for the time being, as no party Administration could, while such variance existed; command a majority in both bodies, and the measures deemed necessary by Government could only become law by the consent of its political opponents:

That two elective Chambers are utterly incompatible with British Responsible Government on the British system, and that the great power entrusted under that system to the Ministry of the day, could not be safely continued under the relaxed restraint which two elective houses would entail:

That no urgent necessity calls for a change of the constitution of the Legislative Council—that no practical evil exists which such a change would remove—and that there is no practical end now sought to be attained and found unattainable, which such a change would render attainable:

That in consideration of the foregoing, and in view of the rapid, social, and material progress of the Country, which cannot fail to affect the working of any political system, it is not expedient to make any change at present in the organization of the Legislative Council, but it is advisable that means should be taken forthwith to render that Body more efficient under its existing constitution.

Yeas :

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Dixon, La Terrière, Lyon, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Stevenson, and Street,—17.

Nays :

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stuart, Tache, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—50.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That two elective Legislative Chambers are utterly incompatible with British Responsible Government; that the great power committed under that system to the Ministry of the day could not be safely continued with two elective Houses, and would render necessary the imposition of checks on the power of the Executive known to other constitutional systems, but totally inconsistent with British party government; and that in view of the declaration of the majority of this House that some change in the existing constitutional system of this Province ought to be made, it is expedient that the Legislative Council should be abolished;

Yeas :

Messrs. Brown, Cauchon, Jobin, Lyon, Marchildon, McDougall, Murney, Stevenson, and Willson,—9.

Nays :

Messrs. Badgley, Burnham, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, La Terrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Wright of West Riding of York,—58.

And the Question being again proposed, That the said Resolutions be now read a second time:

Mr. *Brown* moved in amendment, That the extensive powers entrusted to the Executive under the system of Government which has obtained in this Province since 1841, cannot be safely continued when "the well understood wishes of the People" shall be expressed by two separate Houses, elected by popular vote of different constituencies and for different terms; and that it is expedient to provide for restraining the powers of the Executive simultaneously with the creation of two elective Houses,—and the same was negatived upon a division.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. *Brown* moved in amendment, That the said Resolutions be recommitted to a Committee of the whole House, to amend the same, by providing that the electoral divisions into which the Province is to be divided, with a view to representation in the Legislative Council

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shall be based upon population without regard to a separating line between Upper and Lower Canada ;

Yeas :

Messrs. Brown, Burnham, Fergusson, Gamble, Mackenzie, Malloch, Marchildon, Ridout, Robinson, Seymour, Shaw, Smith of Frontenac, Street, Willson, and Wright of West Riding of York,—15.

Nays :

Messrs. Badgley, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, Mc Donald of Cornwall, Mattice, Mc Dougall, Mc Lachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sherwood, Sicotte, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—49.

And the Questions being again proposed, That the said Resolutions be now read a second time :

Hon. Mr. *Sherwood* moved in Amendment, That the Constitution of the Legislative Council is inconsistent with the harmonious and efficient working of the Government and the useful influence it was intended to possess as a Legislative Body. That with a majority created by the Government of the day for securing party measures, it is for most essential purposes but its subservient instrument. That the same majority, upon a change of Parties would make it an obstructive body, opposed to the administration for the time being and the wishes of the people as expressed by their Representatives in Parliament. That the most effectual 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. That thus this body would then 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 may arise from its composition by an infusion of new Members :

Yeas :

Messrs. Burnham, Gamble, Marchildon, Prince, Seymour, Sherwood, Smith of Frontenac, Willson, and Wright of East Riding of York,—9.

Nays :

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, La Terrière, Laurin, Lemieux, Mc Donald of Cornwall, Mackenzie, Malloch, Mattice, Mc Dougall, Mc Lachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of West Riding of York,—56.

And the Questions being again proposed, That the said Resolutions be now read a second time ;

Hon. Mr. *Sherwood* moved in amendment, That the Members of the Legislative Council shall be elected by such of the Electors, owners of a freehold or other estate, as are now qualified to vote at the election of the Members of the Legislative Assembly, the rents, issues, and profits of whose estates respectively shall amount to £10 currency per annum, over and above all incumbrances, and the Electors in Cities and Towns, who are tenants of dwelling houses and who shall respectively pay £30 currency, rent, per annum, on the same conditions and subject to the same restrictions as regards their occupancy and holding as are now provided by law for such class of persons and shall consist of sixty Members, and the Governor shall, by Proclamation, within three calendar months after any Act passed to make the change proposed, divide Upper and Lower Canada respectively into thirty electoral divisions, of as nearly an equal extent as may be found practicable, and to contain as nearly as possible an equal amount of population; and to subdivide each of the same into Wards, in each of which Wards a Poll shall be held at every such election; and each of the said electoral divisions shall elect one Member to the said Legislative Council: but such electoral divisions may be altered by the Legislature of the Province; and the said Governor shall within a reasonable time after such Proclamation is made, issue his writ for an election in each territorial division, and so from time to time at any future General Election or at any election or elections to fill vacancies until otherwise provided for by the Legislature.

Yeas :

Messrs. Burnham, Crawford, Prince, Sherwood, and Smith of Frontenac,—5.

Nays :

Messrs. Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond,

Dubord, Dumoulin, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—57.

And the Question being again proposed, That the said Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That the said Legislative Council shall, immediately upon assembling together after its first election, be divided by lot into three classes, consisting of 20 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.

Yeas :

Messrs. Crawford, Prince, Sherwood, and Smith of Frontenac,—4.

Nays :

Messrs. Badgley, Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Murney, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—58.

And the Question being again proposed, That the said Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved an amendment, That the Legislative Council 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 their whole number, expel a Member;—and the same was negatived, upon the same division, as the last preceding amendment;

And the Question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved an amendment, That no Member of the Legislative Council shall take his seat or vote until he has, in the presence of the Governor, or of some person authorized by him, taken an oath or affirmation of allegiance and fidelity to the British Crown;—and the same was negatived upon the same division as the two last preceding amendments.

And the Question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That no person shall be Member of the Legislative Council, unless he is of the age of thirty years, a natural born or naturalized subject of Her Majesty, and is the proprietor of real estate within this Province, of the value of One thousand pounds, or of the yearly value of Two hundred Pounds, over and above all charges thereon;

Yeas :

Messrs. Burnham, Cauchon, Crawford, Mattice, Murney, Sherwood, Smith of Frontenac, Street, Willson, and Wright of West Riding of York,—10.

Nays :

Messrs. Badgley, Brown, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Marchildon, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Sanborn, Shaw, Sicotte, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, and Wright of East Riding of York,—51.

And the question being again proposed, That the Resolutions be now read a second time;

Hon. Mr. *Sherwood* moved in amendment, That the Legislative Council when made elective, may choose its own Speaker, and determine the rules of its own proceedings.

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Yeas :

Messrs. Badgley, Brown, Burnham, Cauchon, Crawford, Dubord, Fergusson, Gamble, Langton, McDonald of Cornwall, Mackenzie, Malloch, Marchildon, Mattice, Murney, Patrick, Prince, Ridout, Robinson, Rose, Seymour, Shaw, Sherwood, Smith of Frontenac, Stevenson, Street, Terrill, Tessier, Willson, and Wright of West Riding of York,—30.

Nays :

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Laurin, Lemieux, McDougall, McLachlin, Mongenais, Morin, Polette, Poulin, Attorney General Richards, Rolph, Sanborn, Sicotte, Stuart, Taché, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—35.

And the question being again proposed, That the Resolutions be now read a second time ;

Hon. Mr. *Sherwood* moved in amendment, That when the Legislative Council shall be made elective, it shall be provided that there shall be a meeting of the Provincial Parliament on the first Monday of February in each year, which shall continue its sittings until prorogued by the Governor ;

Yeas .

Messrs. Badgley, Brown, Dubord, Gamble, Murney, Prince, Sanborn, Sherwood, and Smith of Frontenac,—9.

Nays :

Messrs. Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Crawford, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Malloch, Mattice, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, and Wright of West Riding of York,—53.

And the Question being again proposed, That the Resolutions be now read a second time ;

Mr. *Brown* moved in amendment, That the said Resolutions be recommitted to a Committee of the whole House to amend the same, by providing that the Members of the Legislative Assembly shall be chosen for two years, and the Members of the Legislative Council for four years ; one half of the said Councillors to retire every second year,—and the same was negatived upon a division.

The Main Question was then agreed to ; and the first Resolution being read a second time, was agreed to upon the following division :—

Yeas :

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Seymour, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding, York, and Wright of West Riding, York,—51.

Nays :

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Stevenson, Street,—14.

The second Resolution being read a second time ;

Hon. Mr. *Morin* moved in amendment, That after the word "divisions" in the second line of the said Resolution, the words "to be hereafter defined by the Provincial Parliament, and" be inserted,—which was agreed to upon a division.

The second Resolution, so amended, was then agreed to upon the following division :—

Yeas :

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Wright of West Riding of York,—46.

Nays :

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, and Wilson,—18.

The third Resolution, being read a second time, was agreed to upon the following division :—

Yeas :

Messrs. Burnham, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Langton, McDonald of Cornwall, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Wright of East Riding of York, and Wright of West Riding of York,—40.

Nays :

Messrs. Badgley, Brown, Cartier, Cauchon, Christie of Gaspé, Crawford, Dubord, Jobin, Laurin, Lemieux, Mackenzie, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, and Wilson,—24.

The fourth Resolution being read a second time ;

Mr. *Cartier* moved in amendment, that the words " 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 Her Majesty as aforesaid, qualified as above as to age and residence " in the said Resolution, be left out :

Yeas :

Messrs. Burnham, Cartier, Crawford, Lacoste, Malloch, Mattice, Murney, Ridout, Robinson, Sherwood, Sicotte, Smith of Frontenac, Street, Terrill, Tessier, Willson, and Wright of West Riding of York,—17.

Nays :

Messrs. Badgley, Brown, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Gaspé, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, McDougall, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Stevenson, Stuart, Taché, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—44.

The fourth Resolution was then agreed to, upon the following division :—

Yeas :

Messrs. Cameron, Chabot, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Lacoste, Langton, McDonald of Cornwall, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, and Wright of East Riding of York,—36.

Nays :

Messrs. Badgley, Brown, Burnham, Cauchon, Chapais, Christie, of Gaspé, Crawford, Dubord, Jobin, Laurin, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sherwood, Smith of Frontenac, Stevenson, Street, Stuart, Willson, and Wright of West Riding of York,—24.

The fifth Resolution being read a second time, was agreed to upon the following division :—

Yeas :

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Crawford, Drummond, Dumoulin, Egan, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Prince, Attorney General Richards, Rolph, Rose, Shaw, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding, York,—42.

Nays :

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Fergusson, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Sanborn, Sherwood, Smith of Frontenac, Stevenson, Street, and Stuart,—19.

The sixth Resolution being read a second time, was agreed to.

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The seventh Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Badgley, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, McLachlin, Mongenais, Morin, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Taché, Turcotte, Valois, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—35.

Nays:

Messrs. Brown, Burnham, Cartier, Cauchon, Christie of Gaspé, Crawford, Dubord, Lacoste, Malloch, Marchildon, Mattice, McDougall, Murney, Patrick, Polette, Ridout, Robinson, Shaw, Sherwood, Sicotte, Smith of Frontenac, Stevenson, Street, Stuart, Terrill, Tessier, and Varin,—27.

The eighth Resolution being read a second time, was agreed to upon the following division:—

Yeas:

Messrs. Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of Wentworth, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, Laurin, Lemieux, McDonald of Cornwall, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sicotte, Taché, Terrill, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of York, and Wright of West Riding of York,—44.

Nays:

Messrs. Badgley, Brown, Burnham, Cauchon, Christie of Gaspé, Crawford, Malloch, Marchildon, McDougall, Murney, Polette, Ridout, Robinson, Shaw, Sherwood, Smith of Frontenac, Stevenson, Street, and Stuart,—19.

The ninth Resolution, being read a second time, was agreed to.

On motion of the Hon. Mr. *Morin*, a Select Committee of seven Members was appointed to prepare and report the draught of an Address to Her Majesty, upon the said Resolutions.

The remaining Orders of the Day were postponed till to-morrow.

And the House adjourned.