

Technical and Bibliographic Notes / Notes techniques et bibliographiques

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

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

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

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

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

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

No. 47.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

An Act to alter and amend certain provisions of the Act of the Imperial Parliament re-uniting the Provinces of Upper and Lower Canada.

Received and Read First Time, Wednesday,
27th September, 1854.

Second Reading, Friday, 6th October, 1854.

(2600 Copies.)

S. Derbshire & G. Desbarats, Queen's Printer.

127

BILL.

An Act to alter and amend certain provisions of the Act
of the Imperial Parliament re-uniting the Provinces
of Upper and Lower Canada.

WHEREAS by an Act passed in the Parliament of the
United Kingdom in the seventeenth and eighteenth
years of the Reign of Her Most Gracious Majesty, chapter one
hundred and eighteen, intituled, *An Act to empower the*
5 *Legislature of Canada to alter the Constitution of the Legisla-*
tive Council for that Province, and for other purposes, it is
enacted that it shall be lawful for the Legislature of this
Province to alter the constitution of the Legislative Council of
this Province, and otherwise to enact and provide on the said
10 subject as well as for other purposes therein mentioned ; And
whereas it is desirable to introduce the elective principle into
the constitution of the said Legislative Council, and otherwise
to provide as hereinafter it is provided : Be it therefore enacted
by the Queen's Most Excellent Majesty, by and with the advice
15 and consent of the Legislative Council and of the Legislative
Assembly of the Province of Canada, constituted and assembled
by virtue of and under the authority of an Act passed in the
Parliament of the United Kingdom of Great Britain and Ireland,
and intituled, *An Act to re-unite the Provinces of Upper and*
20 *Lower Canada, and for the Government of Canada*, and it is
hereby enacted by the authority of the same, That notwith-
standing any thing in the fourth, fifth, sixth, seventh and eighth
sections of the said Act, intituled, *An Act to reunite the Provinces*
of Upper and Lower Canada, and for the Government of Canada,
25 or any other part thereof, the provisions hereinafter made
shall have their full force and effect ; but the operation of this
Act shall not be construed to vacate or affect the seat of any per-
son being a Member of the Legislative Council at the time of
the passing of this Act, except as hereinafter provided, nor to
30 prevent any such Member from taking his seat therein.

II. It shall be lawful for any person who shall be Member of
the Legislative Council at the time of the passing of this Act,
to resign his seat in the said Legislative Council, in the man-
ner hereinafter provided, and upon such resignation the seat of
35 such Legislative Councillor shall become vacant ; and it shall
in like manner be lawful for any Member of the said Legis-
lative Council elected in the manner hereinafter provided, to
resign his seat therein, and upon such resignation a new
Election shall take place as hereinafter provided ; but any Mem-
40 ber having resigned his Seat, and being qualified under the

Preamble.

Imperial Act
17 & 18 Vict.
c. 118, cited.

This Act to
take effect
notwithstand-
ing, sects. 4,
5, 6, 7, 8 of
3 & 4 V. c. 35.

Proviso as to
present Mem-
bers.

Members may
resign, but
may re-elect-
ed.

provisions of this Act, may be elected at such Election or at any other.

Future Composition of the Legislative Council.

Present Members.

Elective Members.

Provido as to Elective Members.

Provido as to present Members appointed after 1st January, 1851.

Period for which Elective Members shall serve.

Provido as to Members elected to fill casual vacancies.

By whom such Members shall be elected.

III. The Legislative Council shall, from and after the day of the return of the first Election of twenty Members in the manner hereafter prescribed, be composed of the persons who shall be Members of the Legislative Council at the time of the passing of this Act (hereinafter called "Present Members,") subject to the provisions hereinafter made as to Members appointed after the first day of January, one thousand eight hundred and fifty-four; and also of Members to be elected, one half for Upper Canada and one half for Lower Canada, the total number of Elective Members being sixty, and one such Member being elected for each of the sixty Electoral Districts into which this Province is divided for that purpose in the Schedule to this Act: Provided always, that (unless after a dissolution of the said Legislative Council as hereinafter provided) twenty Members only shall be elected at the first Election, which is to take place under the provisions of this Act, twenty other Members only at the Election which shall take place two years thereafter, and twenty other Members at the Election which shall take place four years thereafter: Provided also, that the present Members who shall have been appointed after the first day of January, one thousand eight hundred and fifty-four, shall cease to be Members of the said Legislative Council, at the end of two years after the day of the return of the Writs for the first Election of twenty Members; but they may be elected at the Election which may then take place or at any other Election.

IV. Subject to the provisions hereinafter made as to a dissolution of the said Legislative Council, every Member elected there- to shall be entitled to serve therein during six years, unless he shall sooner vacate his seat by resignation, acceptance of office, or otherwise, so that one third part of the said Members shall retire every two years; and the day before the return day of the Writs issued for the election of twenty Members at the end of every two years, shall be the day upon which the retiring Members shall cease to have Seats in the said Legislative Council: Provided always, that when the Seat of any elected Member shall become vacant, otherwise than by a dissolution or the lapse of the time for which the Member vacating his seat was entitled to serve, a new election shall take place for the Electoral District for which such Member was serving; and the Member then elected 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.

V. 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 this Province ; Provided that the day of the return of the Writs for the election of twenty Members in the first instance, or after a dissolution of the said Council the day of the return of the Writs for a General Election of Members thereof, shall be at all then future times the day regulating the return of the Writs for the election of twenty new Members in every second year thereafter, unless such return of the Writs may in any such year be postponed and fixed by the Governor of this Province, to any day not being more than fourteen days after the recurrence in that year of the date of the original return day above, referred to as regulating the time of such elections : and the twenty elected Members retiring in any year shall retire on the day before the day of the return of the Writs for the election of Members to replace them ; but Members so retiring may be re-elected at that or at any other election : Provided always that when in any Electoral District there may be more than one person qualified and bound to act as Returning Officer by virtue of his office and under the laws in force concerning the elections of Members of the Legislative Assembly for any portion of the said Electoral District, it shall be lawful for the Governor to appoint any of the said persons to act as Returning Officer at any election of Members of the Legislative Council ; and in case of there being no person so qualified in the said Electoral District, or in case of refusal or other impediment, or if all such persons are during the same period acting as Returning Officers at elections of a Member or Members of the Legislative Assembly, it shall then be lawful for the Governor to appoint any other person to act as Returning Officer, being duly qualified as an Elector and not disqualified by law to act as Returning Officer at an election of a Member or Members of the Legislative Assembly for the place where he resides, such place 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 Deputy Returning Officers for the Parishes or Townships, or other subdivisions respectively in and for which polling places are to be opened, but in default of such persons

Election Laws relative to Members of Legislative Assembly extended to elections of Members of Legislative Council.

Proviso as to the Return days of Writs.

Day of retirement of Members.

Proviso as to Returning Officers.

Ex Officio. Cases in which the Governor may appoint.

Deputy Returning Officers.

the Returning Officer shall appoint such qualified persons as he shall think proper.

How the Election Laws hereby extended shall be construed in applying them to Members of the Legislative Council.

VI. 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 number one, called "Beaupré," and number six called "The Gulf," respectively and to them only; and the extended period for such return shall not impair or vitiate any proceeding in the said Legislative Council had during the interval, but the Members then sitting respectively for the said Electoral Districts, numbers one and six may retire only on the day preceding the return of the Writ for their respective District, any thing hereinbefore to the contrary notwithstanding.

Special provisions as to certain returns from Electoral Districts.

Elected Member resigning to act until another be elected in his place.

VII. Any elected Member of the the Legislative Council who may have availed himself of the provisions of this Act to resign his seat, otherwise than on accepting office, may sit and shall be bound to sit in the said Legislative Council, and shall be a Member thereof to all intents and purposes, until the day fixed for the return of the Writ for the election of another Member in his place.

Forms in Election Laws to be changed, when requisite.

VIII. 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.

Indentures.

Who shall be qualified as an Elective Member of the Legislative Council.

IX. 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 this 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 socage, or *en fief* or *en roture* or *franc aleu*, of the value of one thousand pounds currency, over and above all 5 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 10 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 :

Property qualification.

Candidate, if required, to make a declaration of property qualification.

"I, A. B., declare and testify that I am duly seized at law 15 (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 seized 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 20 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 25 payable out of or affecting the same ; and I further declare that I have not collusively or colourably obtained a title to or became 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 :"

Form of declaration.

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 35 of Members of the Legislative Assembly, and to the duties of the Returning Officer with respect to such declaration, shall extend and apply.

What enactments shall apply to such declaration.

X. If any person shall knowingly and wilfully make a false 40 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 45 place in which such false declaration shall have been made.

Penalty for making any false declaration.

XI. 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 any crime which renders him incapable of sitting in the Legislature, or be otherwise disqualified by law, his Seat of Members becoming Bankrupt, &c., vacated.

Seat of Members becoming Bankrupt, &c., vacated.

son 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 the Legislative Assembly, not to be Members of Legislative Council—As to acceptance of office.

XII. 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. 5 10

Members of one House not to be elected to the other.

XIII. No person being then a Member of the Legislative Assembly of this 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. 15

How Members of Legislative Council may vacate their seats by resignation.

Certain Laws to apply.

XIV. Any Member of the Legislative Council wishing to resign and vacate his seat, shall have power to do so 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 this Province; Provided always, that no Member of the Legislative Council shall resign his seat therein while his election is controverted, or while it remains liable to be controverted for any other cause than bribery or corruption. 20 25 30 35

Proviso as to controverted Elections.

Write of Election.

Powers of Speaker of Legislative Assembly as to take Writs extended to Speaker of Legislative Council.

XV. 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 this 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 45

for the Election of Members of the Legislative Assembly, by law deemed the Officer of that House.

- XVI. 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.
- XVII. 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 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 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 this Province, or a Legislative Council only or a Legislative Assembly only, as the case may require; but no session of the Parliament or Legislature 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

Local extent of authority of Returning Officer.

Polls and Polling places.

Certain Documents to be furnished to Returning Officer.

Dissolution of the Legislative Council, how to be effected.

New Writ of Summons after dissolution.

No Session without two Houses.

New Writs of Election. Legislative Council shall vacate the Seat of every Member thereof except the present Members ; 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 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.

Legislative Council may try impeachments: peculiar powers of each House not affected. XVIII The Legislative Council shall have the exclusive power of hearing, trying and adjudicating upon impeachments preferred by the Legislative Assembly against high Public Functionaries in the 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.

Laws relative to controverted Elections extended to Legislative Council. XIX. The Laws 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 ; 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

How to be construed.

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.

Changes in
Forms.
Proviso.

XX. 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 Act 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; but the vacating of the Seat of such Speaker by lapse of time and his re-election without interruption, shall not cause his said Office of Speaker to be vacated.

Speaker to be
appointed as
heretofore :
duration of
office.

Present
Speaker.

Vacation of
Seat and im-
mediate re-
election not
vacate the
office.

XXI. From and after the passing of this Act, the twenty-eighth and twenty-ninth sections of the said Act, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, requiring a property qualification for Members of the Legislative Assembly, shall be repealed, with so much of any Act of the Legislature of this Province as may relate to the said qualification or to the declaration mentioned in the said sections.

Provision
requiring
property quali-
fication of
Members of
Assembly re-
pealed.

XXII. The Speaker of the Legislative Council shall, within fourteen days after the passing of this Act, whether the Legislature be then in Session or not, and after having given to the Members of the said Council such notice as may be found convenient and practicable, informing them that he has prepared tickets and boxes as hereinafter mentioned, 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, cause the names of all the Electoral Districts in the Schedule to this Act, for Upper Canada and for Lower Canada separately, 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 two boxes of like size and convenient form, for the purpose of determining which ten of the said Districts in each Section of the Province respectively, shall be entitled first to elect Members for the said Legislative Council, which other ten of the said Districts in each Section of the Province respect-

Mode of deter-
mining by
Ballot the
order in which
the Electoral
Districts in
each section
of the Pro-
vince shall be
come entitled
to return
Members to
the Legisla-
tive Council.

ively, shall be so entitled at the end of two years, and which other ten Districts in each said Section respectively, shall be so entitled at the end of four years : 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 each of them in each of the two separate parcels, 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 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 several Electoral Districts in that Section of the Province to which such parcel shall relate, shall become entitled to return Members to represent them in the Legislative Council and to have elections held in them for that purpose, that is to say, the first ten in each said Section of the Province immediately, the second ten at the end of two years and the third ten at the end of four years respectively ; and the said order shall continue to regulate the retirements and elections at future times ; excepting always the case of a dissolution of the said Legislative Council, by which the seats of all the elected Members thereof shall be vacated and a Member shall be elected for every Electoral District.

Mode of determining the order in which the Members for Electoral Districts in each section, shall vacate their Seats after a dissolution.

XXIII. After a dissolution of the Legislative Council, one third of the sixty Members elected at the General Election shall be entitled to sit therein for two years only, and one-third for four years only, so that twenty Members, that is to say : ten for each Section of the Province, may be elected every two years ; and within fourteen days after such dissolution, the person who was acting as Speaker of the Legislative Council at the date thereof, or in case of his death or other impediment, the Clerk of the said Council, shall in the manner mentioned in the preceding section, and after like notice given to the persons who were Members at the time of the dissolution, proceed to determine by lot the order in which the Members for the said Electoral Districts shall retire, that is to say : ten in each Section of the Province, at the end of two years, of four years, and of six years respectively ; and the order in which the names of the Electoral Districts on the first and second parcel of tickets shall have been drawn and recorded respectively, shall be the order in which such retirements shall take place, and new Elections shall be held in the said Districts for ten new Members in each Section of the Province, at the end of two years, of four years, and of six years respectively ; and the said

order shall continue to regulate the retirements and elections at future times ; excepting always, the case of a new dissolution by which the Seats of all the elected Members shall be vacated, and a General Election shall take place as above mentioned.

XXIV. Copies of the Lists of Electoral Districts in the order in which they shall be drawn and recorded under the next two preceding Sections, shall at every such drawing by lot be certified by the Speaker of the Legislative Council or the person who presided at such drawing, and transmitted by him to the Governor of the 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 of this Act, so that the Members of the said Legislative Council may retire in the order and at the periods herein before provided, and that new elections may take place accordingly ; and the Writs for the first election of twenty Members shall issue within fourteen days from the transmission of the above mentioned lists ; and the said Writs as well as all Writs for a general election after a dissolution, or for the election of twenty new Members at the periods and in the manner in this Act specified, 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 in due time, so that the return day thereof, (except for the Electoral Districts of Beauré and the Gulf,) may fall on or within fourteen days after the day terminating the period of two and of four or six or more years, as the case may be, from the return of the Writs at the first election of twenty Members or at the general election subsequent to the then last dissolution ; but if any seat shall be vacated otherwise than by lapse of time 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 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.

Copies of Lists after drawing to be furnished to the Governor and for which purpose.

Writs to issue without special notice.

Except that notice shall be given of any casual vacancy.

XXV. 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 this Province ; 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 in the Act first referred to in the Preamble of this Act, and shall be construed with reference thereto.

Interpretation Clause.