

86,1929

In the Privy Council.

No. 121 of 1928.

ON APPEAL FROM THE SUPREME COURT OF CANADA.

IN THE MATTER of a Reference as to the meaning of the word "persons" in Section 24 of The British North America Act, 1867.

BETWEEN

HENRIETTA MUIR EDWARDS, NELLIE L. McCLUNG, LOUISE C. McKINNEY, EMILY P. MURPHY AND IRENE PARLBY *Appellants.*

AND

THE ATTORNEY GENERAL FOR THE DOMINION OF CANADA, THE ATTORNEY GENERAL FOR THE PROVINCE OF QUEBEC AND THE ATTORNEY GENERAL FOR THE PROVINCE OF ALBERTA *Respondents.*

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ATTORNEY GENERAL FOR THE PROVINCE OF
ALBERTA *Respondents.*

JOINT APPENDIX.

No. 1.

Royal Proclamation erecting the Province of Quebec.

GEORGE R.

Whereas we have taken into our Royal consideration the extensive and
valuable acquisitions in America, secured to our Crown by the late definitive
treaty of peace concluded at Paris the tenth day of February last; and
being desirous that all our loving subjects, as well of our kingdom as of
our colonies in America, may avail themselves with all convenient speed
of the great benefits and advantages which must accrue therefrom to their
10 commerce, manufactures, and navigation; we have thought fit, with the
advice of our Privy Council, granted our letters patent under our Great
Seal of Great Britain, to erect within the countries and islands ceded and
confirmed to us by the said treaty, four distinct and separate governments,
styled and called by the names of QUEBEC, EAST FLORIDA, WEST
FLORIDA, and GRENADA, and limited and bounded as follows, viz.:

[4]

JOINT
APPENDIX.

No. 1.

Royal
Proclamation
erecting the
Province of
Quebec,
7th October,
1763.

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JOINT
APPENDIX.

No. 1.
Royal
Proclamation
erecting the
Province of
Quebec,
7th October,
1763
—continued.

Firstly,—The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that river, through the Lake St. John, to the south end of the Lake Nipissing; from whence the said line, crossing the River St. Lawrence, and the Lake Champlain in forty-five degrees north latitude, passes along the high lands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea; and also along the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John. 10

* * * * *

We have also, with the advice of our Privy Council, thought fit to annex the islands of St. John's and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our Government of Nova Scotia.

* * * * *

And whereas it will greatly contribute to the speedy settling our said New Governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are, and shall become, inhabitants thereof; we have thought fit to publish and declare, by this our Proclamation, that we have in the letters patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express power and direction to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our Council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes and ordinances for the public peace, welfare, and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies; and in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in or resorting to our said colonies may confide in our Royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given power under our great seal to the governors of our said colonies respectively to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies for the hearing and determining all causes as well criminal as civil according to law and equity, and, as near as may be agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentences of such courts in all civil cases to appeal under the usual limitations and restrictions to us in our Privy Council. 20 30 40

* * * * *

Given at our Court at St. James's, the seventh day of October, one thousand seven hundred and sixty-three, in the third year of our Reign.

GOD SAVE THE KING.

The British North America (Quebec) Act 1774, 14 Geo. III
Chapter 83 (Imperial).

No. 2.
The British
North
America
(Quebec)
Act, 1774.
14 George
III.,
Chapter 83
(Imperial).

An Act for making more effectual Provision for the Government
of the Province of *Quebec* in *North America*.

10 Whereas His Majesty, by His Royal Proclamation, bearing
Date the Seventh Day of *October*, in the Third Year of His
Reign, thought fit to declare the Provisions which had been
made in respect to certain Countries, Territories, and Islands
in *America*, ceded to His Majesty by the definitive Treaty of
Peace, concluded at *Paris* on the Tenth day of *February*, One
thousand seven hundred and sixty-three: And whereas, by the
Arrangements made by the said Royal Proclamation, a very
large Extent of Country, within which there were several
Colonies and Settlements of the Subjects of *France*, who
claimed to remain therein under the Faith of the said Treaty,
was left, without any Provision being made for the Adminis-
tration of Civil Government therein; and certain Parts of the
Territory of *Canada*, where sedentary Fisheries had been
20 established and carried on by the Subjects of *France*, Inhabitants
of the said Province of *Canada*, under Grants and Concessions
from the Government thereof, were annexed to the Government
of *Newfoundland*, and thereby subjected to Regulations incon-
sistent with the Nature of such Fisheries: May it therefore
please Your most Excellent Majesty that it may be enacted; and
be it enacted by the King'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 all the Territories,
30 Islands, and Countries in *North America*, belonging to the
Crown of *Great Britain*, bounded on the South by a Line from
the Bay of *Chaleurs*, along the High Lands which divide the
Rivers that empty themselves into the River *Saint Lawrence*
from those which fall into the Sea, to a Point in Forty-five
Degrees of Northern Latitude, on the Eastern Bank of the River
Connecticut, keeping the same Latitude directly West, through
the Lake *Champlain*, until, in the same Latitude, it meets the
River *Saint Lawrence*; from thence up the Eastern Bank of the
said River to the Lake *Ontario*; thence through the Lake
40 *Ontario*, and the River commonly called *Niagara*; and thence
along by the Eastern and South-eastern Bank of Lake *Erie*,
following the said Bank, until the same shall be intersected by
the Northern Boundary, granted by the Charter of the Province
of *Pennsylvania*, in case the same shall be so intersected; and
from thence along the said Northern and Western Boundaries of

The Territories
belonging to
Great Britain.

JOINT
APPENDIX.
—
No. 2.
The British
North
America
(Quebec)
Act, 1774.
14 George
III.,
Chapter 83
(Imperial)
—continued.

the said Province, until the said Western Boundary strike the *Ohio*: But in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that Point of the said Bank which shall be nearest to the North-western Angle of the said Province of *Pennsylvania*, and thence, by a right Line, to the said North-western Angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the River *Ohio*; and along the Bank of the said River, Westward, to the Banks of the *Mississippi*, and Northward to the Southern 10
Boundary of the Territory granted to the Merchants Adventurers of *England*, trading to *Hudson's Bay*; and also all such Territories, Islands, and Countries, which have, since the Tenth of *February*, One thousand seven hundred and sixty-three, been made Part of the Government of *Newfoundland*, be, and they are hereby, during His Majesty's Pleasure, annexed to, and made Part and Parcel of, the Province of *Quebec*, as created and established by the said Royal Proclamation of the Seventh of *October*, One thousand seven hundred and sixty-three.

annexed to the
Province of
Quebec.

II. Provided always, That nothing herein contained, rela- 20
tive to the Boundary of the Province of *Quebec*, shall in anywise affect the Boundaries of any other Colony.

* * * * *

IV. And whereas the Provisions, made by the said Procla-
mation, in respect to the Civil Government of the said Province of *Quebec*, and the Powers and Authorities given to the Governor and other Civil Officers of the said Province, by the Grants and Commissions issued in consequence thereof, have been found, upon Experience, to be inapplicable to the State and Circumstances of the said Province, the Inhabitants whereof amounted, at the Conquest, to above Sixty-five thousand Persons professing 30
the Religion of the Church of *Rome*, and enjoying an established Form of Constitution and System of Laws, by which their Persons and Property had been protected, governed, and ordered, for a long Series of Years, from the First Establishment of the said Province of *Canada*; be it therefore further enacted by the Authority aforesaid, That the said Proclamation, so far as the same relates to the said Province of *Quebec*, and the Commission under the Authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances made by the Governor and Council 40
of *Quebec* for the Time being, relative to the Civil Government and Administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the First Day of *May*, One thousand seven hundred and seventy-five.

Former
Provisions
made for
the Province
to be null
and void after
May 1, 1775.

* * * * *

Canadian
Subjects
(religious Orders
excepted) may
hold all their
Possessions, etc.

10

VIII. And be it further enacted by the Authority aforesaid, That all His Majesty's *Canadian* Subjects, within the Province of *Quebec*, the religious Orders and Communities only excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their Allegiance to His Majesty, and Subjection to the Crown and Parliament of *Great Britain*; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of *Canada*, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province, by His Majesty, His Heirs and Successors, shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of *Canada*, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner hereinafter mentioned.

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* * * * *

His Majesty
may appoint a
Council for the
Affairs of the
Province;

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XII. And whereas it may be necessary to ordain many Regulations for the future Welfare and good Government of the Province of *Quebec*, the Occasions of which cannot now be foreseen, nor, without much Delay and Inconvenience, be provided for, without intrusting that Authority, for a certain time, and under proper Restrictions, to Persons resident there: And whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrant under His or Their Signet or Sign Manual, and with the Advice of the Privy Council, to constitute and appoint a Council for the Affairs of the Province of *Quebec*, to consist of such Persons resident there, not exceeding Twenty-three, nor less than Seventeen, as His Majesty, His Heirs and Successors, shall be pleased to appoint; and, upon the Death, Removal, or Absence of any of the Members of the said Council, in like Manner to constitute and appoint such and so many other Person or Persons as shall be necessary to supply the Vacancy or Vacancies; which Council, so appointed and nominated, or the major Part thereof, shall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government, of the said Province, with the Consent of His Majesty's Governor, or, in his Absence, of the Lieutenant Governor, or Commander in Chief for the Time being.

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which Council
may make
Ordinances,
with Consent
of the
Governor.

* * * * *

JOINT
APPENDIX.

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No. 2.
The British
North
America
(Quebec)
Act, 1774.
14 George
III.,
Chapter 83
(Imperial)
—continued.

No. 3

JOINT
APPENDIX.No. 3.
The Constitutional Act,
1791, 31,
George III.,
Chapter 31
(Imperial)**The Clergy Endowments (Canada) Act, 1791, 31 Geo. III, Chapter 31
(Imperial).***(The Constitutional Act.)*

An Act to repeal certain Parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, intituled, An Act for making more effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision for the Government of the said Province.

Preamble.
14 Geo. III,
Cap. 83,
recited.

Whereas an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for making more effectual Provision for the Government of the Province of Quebec in North America*: And whereas the said Act is in many Respects inapplicable to the present Condition and Circumstances of the said Province: And whereas it is expedient and necessary that further Provision should now be made for the good Government and Prosperity thereof: May it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King'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 so much of the said Act as in any Manner relates to the Appointment of a Council for the Affairs of the said Province of *Quebec*, or to the Power given by the said Act to the said Council, or to the major Part of them, to make Ordinances for the Peace, Welfare, and good Government of the said Province, with the Consent of His Majesty's Governor, Lieutenant Governor or Commander in Chief for the Time being, shall be, and the same is hereby repealed.

So much of
recited Act
as relates to
the Appoint-
ment of a
Council for
Quebec, or its
Powers,
repealed.Within each
of the intended
Provinces a
Legislative
Council and
Assembly to be
constituted by
whose Advice
His Majesty
may make
Laws for the
Government of
the Province.

II. And whereas His Majesty has been pleased to signify, by His Message to both Houses of Parliament, His Royal Intention to divide His Province of *Quebec* into Two separate Provinces, to be called *The Province of Upper Canada*, and *The Province of Lower Canada*; be it enacted by the Authority aforesaid, That there shall be within each of the said Provinces respectively a Legislative Council, and an Assembly, to be severally composed and constituted in the Manner hereinafter described; and that in each of the said Provinces respectively His Majesty, His Heirs or Successors, shall have Power, during the Continuance of this Act, by and with the Advice and Consent of the Legislative Council and Assembly of such Provinces respectively, to make Laws for the Peace, Welfare, and good Government thereof, such Laws not being repugnant to this Act; and that all such Laws, being passed by the Legislative Council and Assembly of either of the said Provinces

respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in His Majesty's Name, by such Person as His Majesty, His Heirs or Successors, shall from Time to Time appoint to be the Governor, or Lieutenant-Governor, of such Province, or by such Person as His Majesty, His Heirs and Successors, shall from Time to Time appoint to administer the Government within the same, shall be, and the same are hereby declared to be, by virtue of and under the Authority of this Act, valid and binding to all Intents and Purposes whatever, within the Province in which the same shall have been so passed.

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His Majesty may authorize the Governor, or Lieutenant Governor of each Province, to summon Members to the Legislative Council.

III. And be it further enacted by the Authority aforesaid, that for the Purpose of constituting such Legislative Council as aforesaid in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time herein-after mentioned, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient Number of discreet and proper Persons, being not fewer than Seven to the Legislative Council for the Province of *Upper Canada*, and not fewer than Fifteen to the Legislative Council for the Province of *Lower Canada*; and that it shall also be lawful for His Majesty, His Heirs or Successors, from Time to Time, by an Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like Manner, such other Person or Persons as His Majesty, His Heirs or Successors, shall think fit; and that every Person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council to which he shall have been so summoned.

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No Person under 21 Years of Age, etc., to be summoned.

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IV. Provided always, and be it enacted by the Authority aforesaid, That no Person shall be summoned to the said Legislative Council, in either of the said Provinces, who shall not be the full Age of Twenty-one Years, and a natural-born Subject of His Majesty or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

Members to hold their Seats for Life.

V. And be it further enacted by the Authority aforesaid, That every Member of each of the said Legislative Councils shall hold his Seat therein for the Term of his Life, but subject

JOINT APPENDIX.

No. 3. The Constitutional Act, 1791, 31, George III., Chapter 31 (Imperial) —continued.

His Majesty may authorize the Governor to call together the Assembly.

and, for the Purpose of electing the Members, to issue a Proclamation dividing the Province into Districts, etc.

Number of Members in each Province.

By whom the Members are to be chosen.

nevertheless to the Provisions hereinafter contained for vacating the same, in Cases herein-after specified.

* * * * *

XIII. And be it further enacted by the Authority aforesaid, That, for the Purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an Instrument under His or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the Time herein-after mentioned, and thereafter from Time to Time, as Occasion shall require, in His Majesty's Name, and by an Instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province. 10

XIV. And be it further enacted by the Authority aforesaid, That, for the Purpose of electing the Members of such Assemblies respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an Instrument under His or their Sign Manual to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, within the Time hereinafter mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the Limits thereof, and declaring and appointing the Number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; 20

* * * * *

XVII. Provided also, and be it enacted by the Authority aforesaid, That the whole Number of Members to be chosen in the Province of *Upper Canada* shall not be less than Sixteen, and that the whole Number of Members to be chosen in the Province of *Lower Canada* shall not be less than Fifty. 30

* * * * *

XX. And be it further enacted by the Authority aforesaid, That the Members for the several Districts, or Counties, or Circles of the said Provinces respectively, shall be chosen by the Majority of Votes of such Persons as shall severally be possessed, for their own use and Benefit, of Lands or Tenements within such District, or County, or Circle, as the Case shall be, such Lands being by them held in Freehold, or in Fief, or in Roture, or by Certificate derived under the Authority of the Governor and Council of the Province of *Quebec*, and being of the yearly Value of Forty Shillings Sterling, or upwards, over and above all Rents and Charges payable out of or in respect of the same; and that the Members for the several Towns or Townships within the said Provinces respectively shall be chosen by the 40

Majority of Votes of such Persons as either shall severally be possessed, for their own Use and Benefit of a Dwelling House and Lot of Ground in such Town or Township, such Dwelling House and Lot of Ground being by them held in like manner as aforesaid, and being of the yearly value of Five Pounds Sterling, or upwards, or, as having been resident within the said Town or Township for the Space of Twelve Calendar Months next before the Date of the Writ of Summons for the Election, shall *bona fide* have paid One Year's Rent for the Dwelling House in which they shall have so resided, at the Rate of Ten Pounds Sterling *per Annum*, or upwards.

10

Certain
Persons not
eligible to the
Assemblies.

XXI. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils to be established as aforesaid in the said Two Provinces, or who shall be a Minister of the Church of *England*, or a Minister, Priest, Ecclesiastic, or Teacher, either according to the Rites of the Church of *Rome*, or under any other Form or Profession of Religious Faith or Worship.

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No Person
under 21 Years
of Age, etc.,
capable of
voting or being
elected;

XXII. Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of His Majesty, or a Subject of His Majesty naturalized by Act of the *British* Parliament, or a Subject of His Majesty, having become such by the Conquest and Cession of the Province of *Canada*.

30

nor any Person
attainted for
Treason or
Felony.

XXIII. And be it also enacted by the Authority aforesaid, That no Person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election who shall have been attainted for Treason or Felony in any Court of Law within any of His Majesty's Dominions, or who shall be within any Description of Persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

40

Voters, if
required, to take
the following

XXIV. Provided also, and be it further enacted by the Authority aforesaid, That every Voter, before he is admitted to give his Vote at any such Election, shall, if required by any of the Candidates, or by the Returning Officer, take the following Oath, which shall be administered in the *English* or *French* Language, as the Case may require :

Oath.

I, A.B., do declare and testify, in the Presence of Almighty God that I am, to the best of my Knowledge and Belief, of the

JOINT APPENDIX.

No. 3. and to make Oath to the Particulars herein specified. The Constitutional Act, 1791, 31 George III., Chapter 31 (Imperial). —continued.

full Age of Twenty-one Years, and that I have not voted before at this Election.

And that every such Person shall also, if so required as aforesaid, make Oath, previous to his being admitted to vote, that he is, to the best of his Knowledge and Belief, duly possessed of such Lands and Tenements, or of such a Dwelling House and Lot of Ground, or that he has bona fide been so resident, and paid such Rent for his Dwelling House, as entitles him, according to the Provisions of this Act, to give his Vote at such Election for the County, or District, or Circle, or for the Town or Township for which he shall offer the same. 10

His Majesty may authorize the Governor to fix the Time and Place of holding Elections.

XXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor, or Person administering the Government within each of the said Provinces respectively, to fix the Time and Place of holding such Elections, giving not less than Eight Days Notice of such Time, subject nevertheless to such Provisions as may hereafter be made in these Respects by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors. 20

No Member to sit or vote till he has taken the following,

* * * * *
XXIX. Provided always, and be it enacted by the Authority aforesaid, that no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following Oath, either before the Governor or Lieutenant Governor of such Province, or Person administering the Government therein, or before some Person or Persons authorized by the said Governor or Lieutenant Governor, or other Person as aforesaid, to administer such Oath, and that the same shall be administered in the English or French Language, as the Case shall require: &c. &c. 30

* * * * *

No. 4. The Act of Union, 1840. 3-4 Victoria, Chapter 35 (Imperial)

No. 4

The British North America Act 1840 [The Act of Union], 3-4 Vict., Chapter 35 (Imperial).

An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada.

[23rd July, 1840.]

“Whereas it is necessary that Provision be made for the good Government of the Provinces of Upper Canada and Lower Canada, in such Manner, as may secure the Rights and Liberties and promote the Interests of all Classes of Her 40

10 Declaration of Union

“ Majesty’s Subjects within the same : And whereas to this end
“ it is expedient that the said Provinces be re-united and form
“ One Province for the Purposes of Executive Government and
“ Legislation :” Be it therefore enacted by the Queen’s most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
parliament assembled, and by the Authority of the same, That
it shall be lawful for Her Majesty, with the Advice of Her
Privy Council, to declare, or to authorize the Governor General
of the said Two Provinces of *Upper* and *Lower* Canada to
declare, by Proclamation, that the said Provinces, upon, from,
and after a certain Day in such Proclamation to be appointed,
which Day shall be within Fifteen Calendar Months next after
the passing of this Act, shall form and be One Province, under
the Name of the Province of *Canada*, and thenceforth the said
Provinces shall constitute and be One Province, under the name
aforesaid, upon, from, and after the Day so appointed as
aforesaid.

20 Repeal of Acts,
31 George III
c. 31.

30 1 & 2 Vict.
c. 9.

2 & 3 Vict.
c. 53.

40 1 & 2 W. IV.
c. 23, 14 Geo.
III c. 23.

II. And be it enacted, That so much of an Act passed
in the Session of Parliament held in the Thirty-first Year of the
Reign of King George the Third, intituled *An Act to repeal
certain Parts of an Act passed in the Fourteenth Year of His
Majesty’s Reign, intituled ‘ An Act for making more effectual
‘ provision for the Government of the Province of Quebec in
‘ North America,’ and to make further Provision for the Govern-
ment of the said Province,* as provides for constituting and
composing a Legislative Council and Assembly within each of
the said Provinces respectively, and for the making of Laws;
and also the whole of an Act passed in the Session of Parliament
held in the First and Second Years of the Reign of Her present
Majesty, intituled *An Act to make Temporary Provision for the
Government of Lower Canada;* and also the whole of an Act
passed in the Session of Parliament held in the Second and
Third Years of the Reign of Her present Majesty, intituled
*An Act to amend an Act of the last Session of Parliament, for
making temporary Provision for the Government of Lower
Canada;* and also the whole of an Act passed in the Session of
Parliament held in the First and Second Years of the Reign
of His late Majesty King *William* the Fourth, intituled *An Act
to amend an Act of the Fourteenth Year of His Majesty King
George the Third, for establishing a Fund towards defraying
the Charges of the Administration of Justice and the Support
of Civil Government in the Province of Quebec in America,* shall
continue and remain in force until the day on which it shall be
declared, by Proclamation as aforesaid, that the said Two
Provinces shall constitute and be One Province as aforesaid,
and shall be repealed on, from, and after such Day : Provided
always, that the Repeal of the said several Acts of Parliament
and Parts of Acts of Parliament shall not be held to revive or

JOINT
APPENDIX.

No. 4.
The Act of
Union, 1840.
3-4 Victoria,
Chapter 35
(Imperial).
—continued.

Composition
and powers of
Legislature.

give any Force or Effect to any Enactment which has by the said Acts, or any of them, been repealed or determined.

III. And be it enacted, That from and after the Re-union of the said Two Provinces there shall be within the Province of *Canada* one Legislative Council and One Assembly, to be severally constituted and composed in the Manner hereinafter prescribed, which shall be called "The Legislative Council and Assembly, of *Canada*;" and that, within the Province of *Canada*, Her Majesty shall have Power, by and with the Advice and Consent of the said Legislative Council and Assembly, to make Laws for the Peace, Welfare and Good Government of the Province of *Canada*, such Laws not being repugnant to this Act, or to such parts of the said Act passed in the Thirty-first Year of the Reign of His said late Majesty as are not hereby repealed, or to any Act of Parliament made or to be made, and not hereby repealed, which does or shall, by express Enactment or by necessary Intendment, extend to the Provinces of *Upper* and *Lower Canada*, or to either of them, or to the Province of *Canada*; and that all such laws being passed by the said Legislative Council and Assembly, and assented to by Her Majesty, or assented to in Her Majesty's Name by the Governor of the Province of *Canada*, shall be valid and binding to all Intents and Purposes within the Province of *Canada*.

Appointment of
Legislative
Councillors.

IV. And be it enacted, That for the Purpose of composing the Legislative Council of the Province of *Canada* it shall be lawful for Her Majesty, before the time to be appointed for the first meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorize the Governor, in her Majesty's Name, by an Instrument under the Great Seal of the said Province, to summon to the said Legislative Council of the said Province such Persons, being not fewer than Twenty, as Her Majesty shall think fit; and that it shall also be lawful for Her Majesty from time to time to authorize the Governor in like Manner to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, and that every Person who shall be so summoned shall thereby become a Member of the Legislative Council of the Province of *Canada*: Provided always, that no Person shall be summoned to the said Legislative Council of the Province of *Canada* who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of the Parliament of Great Britain, or by Act of the Parliament of the United Kingdom of *Great Britain* and *Ireland*, or by an Act of the Legislature of either of the Provinces of *Upper* or *Lower Canada*, or by an Act of the Legislature of the Province of *Canada*.

Qualification of
Legislative
Councillors.

Tenure of
Office of
Councillor.

V. And be it enacted, That every Member of the Legislative Council of the Province of *Canada* shall hold his Seat therein

for the Term of his Life, but subject nevertheless to the Provisions hereinafter contained for vacating the same.

Resignation of
Legislative
Councillor.

VI. And be it enacted, That it shall be lawful for any Member of the Legislative Council of the Province of *Canada* to resign his Seat in the said Legislative Council, and upon such Resignation the Seat of such Legislative Councillor shall become vacant.

Vacating seat
by absence.

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VII. And be it enacted, That if any Legislative Councillor of the Province of *Canada* shall for Two successive Sessions of the Legislature of the said Province fail to give his attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the said Province, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, obedience or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a public Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant.

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Trial of
Questions.

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VIII. And be it enacted, That any Question which shall arise respecting any Vacancy in the Legislative Council of the Province of *Canada*, on occasion of any of the Matters aforesaid, shall be referred by the Governor of the Province of *Canada* to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Province on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and that the Judgment of Her Majesty given with the Advice of Her Privy Council thereon shall be final and conclusive to all Intents and Purposes.

Appointment
of Speaker.

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IX. And be it enacted, That the Governor of the Province of *Canada* shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him, and appoint another in his Stead.

Quorum.
Division.

X. And be it enacted, That the Presence of at least Ten Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and that all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Voices of

JOINT
APPENDIX.

No. 4.
The Act of
Union, 1840.
3-4 Victoria,
Chapter 35
(Imperial)

—continued.

JOINT
APPENDIX.
—
No. 4.
The Act of
Union, 1840.
3-4 Victoria,
Chapter 35
(Imperial)
—continued.

Casting vote.

the Members present other than the Speaker, and when the Voices shall be equal the Speaker shall have the casting Vote.

XI. And be it enacted, That for the purpose of constituting the Legislative Assembly of the Province of *Canada*, it shall be lawful for the Governor of the said Province, within the Time herein-after mentioned, and thereafter from time to time as occasion shall require, in Her Majesty's Name and by an Instrument or Instruments under the Great Seal of the said Province, to summon and call together a Legislative Assembly in and for the said Province.

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Representatives
for each
Province.

XII. And be it enacted, That in the Legislative Assembly of the Province of *Canada* to be constituted as aforesaid the Parts of the said Province which now constitute the Provinces of *Upper* and *Lower Canada* respectively shall, subject to the Provisions herein-after contained, be represented by an equal Number of Representatives, to be elected for the Places and in the Manner hereiu-after mentioned.

* * * * *

The present
Election Laws
of the Two
Provinces to
apply until
altered.

XXVII. And be it enacted, That until Provisions shall otherwise be made by an Act or Acts of the Legislature of the Province of *Canada* all the Laws which at the Time of the passing of this Act are in force in the Province of *Upper Canada*, and all the Laws which at the Time of the passing of the said Act of Parliament, intituled An Act to *make temporary Provision for the Government* of Lower Canada, were in force in the Province of *Lower Canada*, relating to the Qualification and Disqualification of any Person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively (except those which require a Qualification of Property in Candidates for Election, for which Provision is herein-after made), and relating to the Qualification and Disqualification of Voters at the Election of Members to serve in the Assemblies of the said Provinces respectively, and to the Oaths to be taken by any such Voters, and to the Powers and Duties of Returning Officers, and the Proceedings at such Elections, and the Period during which such Elections may be lawfully continued, and relating to the Trial of controverted Elections, and the Proceedings incident thereto, and to the vacating of Seats of Members, and the issuing and Execution of new Writs in case of any Seat being vacated otherwise than by a Dissolution of the Assembly, shall respectively be applied to Elections of Members to serve in the Legislative Assembly of the Province of *Canada* for Places situated in those Parts of the Province of *Canada* for which such Laws were passed.

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1 & 2 Vict.
c. 9.

Qualification
of Members.

XXVIII. And be it enacted, That no Person shall be capable of being elected a Member of the Legislative Assembly of the Province of *Canada* who shall not be legally or equitably seised as of Freehold, for his own Use and Benefit, of Lands

or Tenements held in Free and Common Soccage, or seised or possessed, for his own Use and Benefit, of Lands or Tenements held in Fief or in Roture, within the said Province of *Canada*, of the value of Five Hundred Pounds of Sterling Money of *Great Britain*, over and above all Rents, Charges, Mortgages, and Incumbrances charged upon and due and payable out of or affecting the same; and that every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration :

JOINT
APPENDIX.

No. 4.
The Act of
Union, 1840.
3-4 Victoria,
Chapter 35
(Imperial)
—continued.

10

Declaration of
Candidates
for Election.

“ I, *A. B.*, do declare and testify, that I am duly seised
“ at Law or in Equity as of Freehold, for my own Use and
“ Benefit, of Lands or Tenements held in free and common
“ Soccage [*or* duly seised or possessed, for my own use and
“ benefit, of lands or tenements held in Fief or in Roture
“ (*as the case may be*)] in the Province of *Canada*, of the
“ of the Value of Five hundred Pounds of Sterling Money
“ of *Great Britain*, over and above all Rents, Mortgages,
“ Charges, and Incumbrances charged upon or due and
“ payable out of or affecting the same; and that I have not
“ collusively or colourably obtained a Title to or become
“ possessed of the said Lands and Tenements, or any Part
“ thereof, for the Purpose of qualifying or enabling me to
“ be returned a Member of the Legislative Assembly of the
“ Province of *Canada*.”

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* * * * *

No. 5

Lord Brougham’s Act, 13-14 Victoria, Chapter 31 (Imperial).

No. 5.

Lord Brough-
am’s Act,
13-14 Victoria
Chapter 31
(Imperial)

An Act for shortening the Language used in Acts of Parliament.

[10th June, 1850.]

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Acts of
Parliament
may be altered,
etc., in the
same Session.

Be it declared and 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 every Act to be passed after the Commencement of this Act may be altered, amended, or repealed in the same Session of Parliament, any Law or Usage to the contrary notwithstanding.

* * * * *

Interpretation
of certain
Words for
future Acts.

IV. Be it enacted, That in all Acts Words importing the Masculine Gender shall be deemed and taken to include Females, and the Singular to include the Plural, and the Plural the Singular, unless the contrary as to Gender or Number is

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JOINT
APPENDIX.

No. 5.
Lord Brough-
am's Act.
13-14 Victoria
Chapter 31
(Imperial)
—continued.

expressly provided; and the Word "Month" to mean Calendar Month, unless Words be added showing Lunar Month to be intended; and "County" shall be held to mean also County of a Town or of a City, unless such extended Meaning is expressly excluded by Words; and the Word "Land" shall include Messuages, Tenements, and Hereditaments, Houses and Buildings, of any Tenure, unless where there are Words to exclude Houses and Buildings, or to restrict the Meaning to Tenements of some particular Tenure; and the Words "Oath," "Swear," and "Affidavit" shall include Affirmation, Declaration, affirming, and declaring, in the Case of Persons by Law allowed to declare or affirm instead of swearing. 10

Commencement
of Act.

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VIII. Be it declared and enacted, That this Act shall commence and take effect from and immediately after the Commencement of the next Session of Parliament.

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No. 6.
The Union
Act,
Amendment
Act,
17-18
Victoria,
Chapter 118
(Imperial).

No. 6

The Union Act Amendment Act, 17-18 Victoria, Chapter 118
(Imperial).

An Act to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other Purposes. 20

[11th August, 1854.]

"Whereas an Act of the Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, to reunite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*, provides amongst other things for the Establishment of a Legislative Council in the Province of *Canada*, consisting of Members summoned thereto by the Governor, under the Authority of Her Majesty as therein specified: And whereas it is expedient that the Legislature of the said Province should be empowered to alter the Constitution of the said Legislative Council: And whereas the said Act requires Amendment in other respect:" Be it 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, as follows: 30

Power to the
Legislature
of Canada to
alter the
Constitution

I. It shall be lawful for the Legislature of *Canada*, by any Act or Acts to be hereafter for that Purpose passed, to alter the Manner of composing the Legislative Council of the 40

of the Legisla-
tive Council.

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Provisions of
former Acts of
Parliament to
apply to the
new Legisla-
tive Council.

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Legislature of
Canada may
vary Acts con-
stituting the
new Legisla-
tive Council;

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and to vary,
etc., the Pro-
perty Qualifica-
tion of Members
of Assembly.

said Province, and to make it consist of such Number of Mem-
bers appointed or to be appointed or elected by such Persons and
in such Manner as to the said Legislature may seem fit, and to
fix the Qualifications of the Persons capable of being so
appointed or elected, and by such Act or Acts to make Pro-
vision, if they shall think fit, for the separate Dissolution by
the Governor of the said Legislative Council and Legislative
Assembly respectively, and for the Purposes aforesaid to vary
and repeal in such Manner as to them may seem fit all or any of
the Sections and Provisions of the said recited Act, and of any
other Act of Parliament now in force which relate to the Con-
stitution of the Legislative Council of *Canada*: Provided always,
that any Bill or Bills which shall be passed by the present Legis-
lative Council and Assembly of *Canada* for all or any of the
Purposes aforesaid shall be reserved by the said Governor,
unless he think fit to withhold Her Majesty's Assent thereto,
for the Signification of Her Majesty's Pleasure, and shall be
subject to the Enactments of the said recited Act of the Third
and Fourth Years of Her Majesty, Chapter Thirty-five, Section
Thirty-nine, which relate to Bills so reserved for the Significa-
tion of Her Majesty's Pleasure.

II. As soon as the Constitution of the Legislative Council
of the Province of *Canada* shall have been altered under such
Act or Acts so assented to by Her Majesty as aforesaid, all Pro-
visions of the said recited Acts of Parliament of the Third and
Fourth Years of Her Majesty, Chapter Thirty-five, and of any
other Act of Parliament now in force relating to the Legislative
Council of *Canada*, shall be held to apply to the Legislative
Council so altered, except so far as such Provisions may have
been varied or repealed by such Act or Acts of the Legislature
of *Canada* so assented to as aforesaid.

III. It shall be lawful for the Legislature of *Canada* from
Time to Time to vary and repeal all or any of the Provisions
of the Act or Acts altering the Constitution of the said Legis-
lative Council: Provided always, that any Bill for any such
Purpose which shall vary the Qualification of Councillors, or
the Duration of Office of such Councillors, or the Power of the
Governor to dissolve the Council or Assembly, shall be reserved
by the Governor for the Signification of Her Majesty's Pleasure
in manner aforesaid.

IV. It shall be lawful for the Legislature of *Canada*, by
any Act or Acts reserved for the Signification of Her Majesty's
Pleasure, and whereto Her Majesty shall have assented as
hereinbefore provided, to vary or repeal any of the Provisions
of the recited Act of Parliament of the Third and Fourth Years
of Her Majesty which relate to the Property Qualification of
Members of the Legislative Assembly.

JOINT
APPENDIX.

No. 6.
The Union
Act.
Amendment
Act.
17-18
Victoria,
Chapter 118
(Imperial)
—continued.

The British North America Act, 1867, 30-31 Victoria, Chapter 3 (Imperial).

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[29th March 1867]

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom :

And whereas such a Union would conduce to the Welfare of the 10 Provinces and promote the Interests of the British Empire :

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared :

And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America :

Be it therefore enacted and declared 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 20 Authority of the same, as follows :

I.—PRELIMINARY.

1. This Act may be cited as The British North America Act, 1867.
2. The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II.—UNION.

3. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a Day therein appointed, not being more than Six Months 30 after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that day those three Provinces shall form and be One Dominion under that Name accordingly.

4. The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, 40 Nova Scotia, and New Brunswick.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper

Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

8. In the general Census of the Population of Canada which is hereby required to be taken in the year One thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective Populations of the Four Provinces shall be distinguished.

JOINT
APPENDIX.
—
No. 7.
British
North
America
Act, 1867.
30-31
Victoria,
Chapter 3
(Imperial)
—continued.

III.—EXECUTIVE POWER.

9. The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

10. The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General.

12. All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union, in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorise the Governor General from time to time to appoint any person

or any persons jointly or severally to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise during the pleasure of the Governor General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor General himself of any Power, Authority, or Function.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to 10 continue and be vested in the Queen.

16. Until the Queen otherwise directs, the seat of Government of Canada shall be Ottawa.

IV.—LEGISLATIVE POWER.

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. The Privileges, Immunities, and Powers to be held, enjoyed, and exercised by the Senate, and by the House of Commons and by the Members thereof respectively shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those 20 at the passing of this Act, held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

The Senate.

21. The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators. 30

22. In relation to the Constitution of the Senate Canada shall be deemed to consist of three divisions :

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick; which three divisions shall (subject to the Provisions of this Act) be equally represented in the Senate, as follows: Ontario by twenty-four Senators; Quebec by twenty-four Senators; and the Maritime Provinces by twenty-four 40 Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for One of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada.

23. The Qualifications of a Senator shall be as follows:—

(1) He shall be of the full Age of thirty Years :

- (2) He shall be either a natural-born Subject of the Queen, or a Subject of the Queen naturalised by an Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union :
- (3) He shall be legally or equitably seised as of Freehold for his own use and benefit of lands or tenements held in Free and Common Socage, or seised or possessed for his own use and benefit of lands or tenements held in Franc-Alleu or in Roture, within the Province for which he is appointed, of the value of four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same :
- (4) His Real and Personal Property shall be together worth four thousand dollars over and above his debts and liabilities :
- (5) He shall be resident in the Province for which he is appointed :
- (6) In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor General shall from time to time, in the Queen's name, by instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

25. Such Persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

30 26. If at any time on the Recommendation of the Governor General the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor General may by Summons to three or six qualified persons (as the case may be), representing equally the three Divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made, the Governor General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three Divisions of Canada is represented by twenty-four Senators, and no more.

28. The number of Senators shall not at any time exceed seventy-eight.

40 29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand addressed to the Governor General resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases :

- (1) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate :
- (2) If he takes an Oath or makes a Declaration or Acknowledgment of

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Allegiance, Obedience, or Adherence to a Foreign Power, or does an act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power :

- (3) If he is adjudged Bankrupt or Insolvent or applies for the benefit of any law relating to Insolvent Debtors, or becomes a public Defaulter :
- (4) If he is attainted of Treason or convicted of Felony or of any infamous Crime :
- (5) If he ceases to be qualified in respect of Property or of Residence;¹⁰ provided, that a Senator shall not be deemed to have ceased to be qualified in respect of Residence by reason only of his residing at the Seat of the Government of Canada while holding an Office under that Government requiring his Presence there.

32. When a vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

33. If any Question arises respecting the Qualification of a Senator or a vacancy in the Senate the same shall be heard and determined by the Senate.

34. The Governor General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least Fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

The House of Commons.

37. The House of Commons shall, subject to the Provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor General shall from time to time, in the Queen's Name, by instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario,⁴⁰ Quebec, Nova Scotia, and New Brunswick shall, for the purposes of the election of Members to serve in the House of Commons, be divided into Electoral Districts as follows :

1.—ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, parts of Cities, and Towns enumerated in the first Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one member.

2.—*QUEBEC.*

Quebec shall be divided into sixty-five Electoral Districts, composed of the sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under chapter two of the Consolidated Statutes of Canada, chapter seventy-five of the Consolidated Statutes for Lower Canada and the Act of the Province of Canada of the twenty-third year of the Queen, chapter one, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return one member.

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3.—*NOVA SCOTIA.*

Each of the eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return two members, and each of the other Counties one member.

4.—*NEW BRUNSWICK.*

Each of the fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those fifteen Electoral Districts shall be entitled to return one member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

30 Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British subject, aged Twenty-one Years or upwards, being a householder, shall have a Vote.

42. For the First Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such Person, in such form and addressed to such Returning Officers as he thinks fit.

40 The Person issuing Writs under this Section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section shall have the like powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

43. In case a Vacancy in the Representation in the House of Commons of any Electoral District happens before the Meeting of the Parliament, or after the Meeting of the Parliament, before provision is made by the Parliament in this Behalf, the Provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

44. The House of Commons on its first assembling after a General Election shall proceed with all practicable speed to elect one of its Members to be Speaker.

45. In case of a vacancy happening in the Office of Speaker by Death, 10 Resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its Members to be Speaker.

46. The Speaker shall preside at all Meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the Chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its Members to act as Speaker, and the Member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges and duties of Speaker.

48. The Presence of at least twenty Members of the House of 20 Commons shall be necessary to constitute a meeting of the House for the Exercise of its Powers, and for that purpose the Speaker shall be reckoned as a Member.

49. Questions arising in the House of Commons shall be decided by a Majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

50. Every House of Commons shall continue for Five Years from the day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer.

51. On the completion of the census in the year one thousand eight 30 hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be re-adjusted by such authority, in such manner and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules:—

- (1) Quebec shall have the fixed number of sixty-five members :
- (2) There shall be assigned to each of the other Provinces such a number of Members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained) :
- (3) In the computation of the number of members for a Province a 40 fractional part not exceeding one-half of the whole number requisite for entitling the Province to a member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number :
- (4) On any such re-adjustment the number of members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of

the number of members for the Province is ascertained at the then latest census to be diminished by one twentieth part or upwards :

(5) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

52. The Number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

Money Votes; Royal Assent.

10 53. Bills for appropriating any part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any part of the Public Revenue, or of any Tax or Impost to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

20 55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient Opportunity send an authentic copy of the Act to One of Her Majesties Principal Secretaries of State, and if the Queen in Council within two years after Receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a Certificate of the Secretary of State of the day on which the Act was received by him) being
30 signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the day of such Signification.

57. A Bill reserved for the Signification of the Queen's Pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

40 An entry of every such Speech, Message, or Proclamation shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

V.—PROVINCIAL CONSTITUTIONS.

Executive Power.

58. For each Province there shall be an officer styled the Lieutenant Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada.

59. A Lieutenant Governor shall hold Office during the Pleasure of the Governor General; but any Lieutenant Governor appointed after the Com-

mencement of the First Session of the Parliament of Canada shall not be removable within five years from his Appointment, except for cause assigned, which shall be communicated to him in writing within one Month after the Order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not then within one week after the commencement of the next Session of the Parliament.

60. The Salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor General or some Person authorised by him Oaths of Allegiance and Office similar to those taken by the Governor General.

62. The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the Time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such Persons as the Lieutenant Governor from time to time thinks fit, and in the first instance of the following Officers, namely:—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown lands, and the Commissioner of Agriculture and Public Works, with in Quebec the Speaker of the Legislative Council and the Solicitor-General.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act.

65. All Powers, Authorities, and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice or with the Advice and Consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the Advice or with the Advice and Consent of or in conjunction with the respective Executive Councils, or any Members thereof or by the Lieutenant Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The Provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the advice of the Executive Council thereof.

67. The Governor General in Council may from time to time appoint an Administrator to execute the Office and Functions of Lieutenant Governor during his Absence, Illness, or other Inability.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely:—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

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Legislative Power.

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1.—ONTARIO.

69. There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of One House, styled the Legislative Assembly of Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

2.—QUEBEC.

71. There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of Two Houses, styled the Legislative Council of
20 Quebec and the Legislative Assembly of Quebec.

72. The Legislative Council of Quebec shall be composed of twenty-four Members, to be appointed by the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec. One being appointed to represent each of the twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding Office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

73. The Qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

30 74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

75. When a vacancy happens in the Legislative Council of Quebec, by Resignation, Death, or otherwise, the Lieutenant Governor, in the Queen's Name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the Vacancy.

76. If any question arises respecting the Qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

40 77. The Lieutenant Governor may from time to time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

78. Until the Legislature of Quebec otherwise provides, the Presence of at least ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers.

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79. Questions arising in the Legislative Council of Quebec shall be decided by a Majority of Voices, and the Speaker shall in all cases have a Vote, and when the Voices are equal the decision shall be deemed to be in the negative.

80. The Legislative Assembly of Quebec shall be composed of sixty-five Members, to be elected to represent the sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for Assent any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned 10 in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed.

3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six Months after the Union.

82. The Lieutenant Governor of Ontario and of Quebec shall from time 20 to time, in the Queen's Name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any Office, Commission, or Employment, permanent or temporary, at the nomination of the Lieutenant Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this 30 section shall make ineligible any Person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say, the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely:— 40 the Qualifications and Disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their powers and duties, the Proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Election-

of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that, until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma in addition to persons qualified by the Law of the Province of Canada to vote, every Male British Subject, aged twenty-one years or upwards, being a householder, shall have a vote.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for four years from the day of the return
10 of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province) and no longer.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every Year, so that twelve Months shall not intervene between the last Sitting of the Legislature in each Province in one Session and its first Sitting in the next Session.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies
20 of Ontario and Quebec, that is to say:—the Provisions relating to the Election of a Speaker originally and on Vacancies, the Duties of the Speaker, the Absence of the Speaker, the Quorum, and the Mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

4.—NOVA SCOTIA AND NEW BRUNSWICK.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the Authority of
30 this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

89. Each of the Lieutenant Governors of Ontario, Quebec, and Nova Scotia shall cause Writs to be issued for the First Election of Members of the Legislative Assembly thereof in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor General directs, and so that the first Election of Member of
40 Assembly for any Electoral District or any Subdivision thereof shall be held at the same time and at the same places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

6.—THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely:—the provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in terms to the respective Pro-

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vinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one Year for two Years, and of the Province for Canada.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

Powers of the Parliament.

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the 10 Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say :—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service. 20
6. The Census and Statistics.
7. Militia, Military, and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Lighthouses, and Sable Island.
10. Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country or 30 between Two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the issue of paper money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery. 40
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalisation and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.

29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the classes of Subjects enumerated in this Section shall not be deemed to come within the class of Matters of a local or private nature comprised in the Enumeration of the classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

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Exclusive Powers of Provincial Legislatures.

10 92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the classes of Subjects next hereinafter enumerated; that is to say:—

1. The Amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
- 20 5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
- 30 10. Local Works and Undertakings other than such as are of the following Classes:—
 - a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
 - b. Lines of Steam Ships between the Province and any British or Foreign Country:
 - 40 c. Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.
11. The Incorporation of Companies with Provincial Objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.

14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province. 10

* * * * *

IX.—MISCELLANEOUS PROVISIONS.

General.

127. If any Person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a Place in the Senate is offered, does not within thirty days thereafter by writing under his hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any Person who, being at the passing of this Act a Member²⁰ of the Legislative Council of Nova Scotia or New Brunswick, accepts a Place in the Senate, shall thereby vacate his Seat in such Legislative Council.

128. Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorised by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorised by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall³⁰ also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorised by him, the Declaration of Qualification contained in the same Schedule.

* * * * *

133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in⁴⁰ or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

* * * * *

XI.—ADMISSION OF OTHER COLONIES.

146. It shall be lawful for the Queen, by and with the advice of her Majesty's Most Honourable Privy Council, on Addresses from the Houses

of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the
10 Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the Admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be seventy-six and their maximum number shall be eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the three divisions into which Canada is in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or
20 not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provisions of this Act for the appointment of three or six additional Senators under the direction of the Queen.

JOINT
APPENDIX.

No. 7.
British
North
America
Act, 1867.
30-31
Victoria,
Chapter 3
(Imperial)
—continued.

No. 8

The British North America Act, 1871, 34-35 Vict., Chapter 28 (Imperial).

An Act respecting the establishment of Provinces in the Dominion of
Canada.

30

(29th June, 1871.)

No. 8.
The British
North
America
Act, 1871.
34-35
Victoria,
Chapter 28.

Whereas doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it 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,
40 as follows:—

1. This Act may be cited for all purposes as "The British North America Act, 1871."

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion

JOINT
APPENDIX.

No. 8.
The British
North
America
Act, 1871.
34-35
Victoria,
Chapter 28
—continued.

of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament.

3. The Parliament of Canada may from time to time with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included in any Province.

5. The following Acts passed by the said Parliament of Canada, and intituled respectively: "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada," and "An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent, in the Queen's name, of the Governor-General of the said Dominion of Canada.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act of the said Parliament, in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.

No. 9

No. 9.
Order in
Council
admitting the
Colony of
British
Columbia
into the
Union,
16th May,
1871.

Order in Council admitting the Colony of British Columbia into the Union.

At the Court of Windsor, the 16th day of May, 1871.

Present: The Queen's Most Excellent Majesty, His Royal Highness Prince Arthur, Lord Privy Seal, Earl Cowper, Earl of Kimberley, Lord Chamberlain, Mr. Secretary Cardwell, and Mr. Ayrton.

Whereas by the "*British North America Act, 1867*," provision was made for the union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on addresses from the

houses of parliament of Canada and of the legislature of the Colony of British Columbia, to admit that colony into the said union, on such terms and conditions as should be in the addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act; and it was further enacted that the provisions of any order in council in that behalf should have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland :

And whereas by addresses from the houses of parliament of Canada, and from the legislative council of British Columbia respectively, of which
 10 addresses copies are contained in the schedule to this order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said addresses :

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby declared by Her Majesty, by and with the advice of her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of parliament, that *from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said*
 20 *colony of British Columbia shall be admitted into and become part of the Dominion of Canada,* upon the terms and conditions set forth in the hereinbefore recited addresses. And, in accordance with the terms of the said addresses relating to the electoral districts of British Columbia, for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such electoral districts shall be as follows :

(Here follows an enumeration of those electoral districts.)

And the Right Honourable Earl of Kimberley, one of Her Majesty's principal secretaries of state, is to give the necessary directions therein
 30 accordingly.

ARTHUR HELPS.

Schedule.

Address of the Senate of Canada.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Senate of Canada in parliament assembled, humbly approach your Majesty for the purpose of representing :—

That by a despatch from the Governor of British Columbia, dated
 40 23rd January, 1871, with other papers laid before this house, by message from His Excellency the Governor-General, of the 27th February last, this house learns that the legislative council of that colony, in council assembled, adopted, in January last, an address representing to your Majesty that British Columbia was prepared to enter into union with the Dominion of Canada, upon the terms and conditions mentioned in the said address, which is as follows :—

To the Queen's Most Excellent Majesty.

No. 9.
Order in
Council
admitting the
Colony of
British
Columbia
into the
Union,
16th May,
1871
—continued.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the members of the legislative council of British Columbia, in council assembled, humbly approach your Majesty for the purpose of representing:—

That, during the last session of the legislative council, the subject of the admission of the colony of British Columbia into the union or Dominion of Canada was taken into consideration, and a resolution on the subject was agreed to, embodying the terms upon which it was proposed that this colony should enter the union. 10

That after the close of the session, delegates were sent by the government of this colony to Canada to confer with the government of the Dominion with respect to the admission of British Columbia into the union upon the terms proposed;

That after considerable discussion by the delegates with the members of the government of the Dominion of Canada, the terms and conditions hereinafter specified were adopted by a committee of the Privy Council of Canada, and were by them reported to the Governor-General for his approval;

That such terms were communicated to the government of this colony 20 by the Governor-General of Canada, in a despatch dated July 7th, 1870, and are as follows:—

* * * * *

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of "British North America Act, 1867."

9. The influence of the Dominion government will be used to secure the continued maintenance of the naval station at Esquimalt.

10. *The provisions of the "British North America Act, 1867," shall (except those parts thereof which are in terms made, or by reasonable intend- 30 ment may be held to be specially applicable to and only affect one and not the whole of the provinces now comprising the Dominion, and except so far as the same may be varied by this minute) be applicable to British Columbia in the same way and to the like extent as they apply to the other provinces of the Dominion, and as if the colony of British Columbia had been one of the provinces originally united by the said Act.*

* * * * *

14. *The constitution of the executive authority and of the legislature of British Columbia shall subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the union until altered under the authority of the said Act, it being at the same time under- 40 stood that the government of the Dominion will readily consent to the introduction of responsible government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the colonies, to amend the existing constitution of the legislature by providing that a majority of its members shall be elective."*

NOTE.—The address of the House of Commons is identical in its terms.

No. 10

JOINT
APPENDIX.

The Parliament of Canada Act, 1875, 38-39 Vict., Chapter 38 (Imperial).

No. 10.
The
Parliament
of Canada
Act, 1875.
38-39
Victoria,
Chapter 38
(Imperial)

An Act to remove certain doubts with respect to the powers of the Parliament of Canada, under section 18 of the British North America Act, 1867. (19th July, 1875.)

Whereas by section 18 of the British North America Act, 1867, it is provided as follows: "The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act, held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof."

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers or immunities; and it is expedient to remove such doubts:

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, as follows:—

1. Section 18 of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed:—

The privileges, immunities, and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

2. The Act of the Parliament of Canada passed in the thirty-first year of the reign of her present Majesty, chapter twenty-four, intituled "An Act to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament," shall be deemed to be valid, and to have been valid as from the date at which the royal assent was given thereto by the Governor-General of the Dominion of Canada.

3. This Act may be cited as the Parliament of Canada Act, 1875.

**The British North America Act, 1886, 49-50 Victoria,
Chapter 35 (Imperial).**

An Act respecting the Representation in the Parliament of Canada of Territories which for the time being form part of the Dominion of Canada, but are not included in any Province.

[25th June, 1886.]

Whereas it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and ¹⁰ House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any province :

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, as follows:—

1. The Parliament of Canada may from time to time make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories ²⁰ which for the time being form part of the Dominion of Canada, but are not included in any province thereof.

2. Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act, shall, if not disallowed by the Queen, be, and shall be deemed to have been, valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor-General of Canada.

It is hereby declared that any Act passed by the Parliament of Canada, whether before or after the passing of this Act, for ³⁰ the purpose mentioned in this Act or in the British North America Act, 1871, has effect, notwithstanding anything in the British North America Act, 1867, and the number of Senators or the number of Members of the House of Commons specified in the last mentioned Act is increased by the number of Senators or of Members, as the case may be, provided by any such Act of the Parliament of Canada for the representation of any provinces or territories of Canada.

3. This Act may be cited as the British North America Act, 1886. ⁴⁰

This Act and the British North America Act, 1867, and the British North America Act, 1871, shall be construed together, and may be cited together as the British North America Acts, 1867 to 1886.

Provision by
Parliament
of Canada for
representation
of territories.

Effect of Acts
of Parliament
of Canada.

34 & 35
Vict., c. 28.

30 & 31
Vict., c. 3.

Short title and
construction.

30 & 31
Vict., c. 3.

34 & 35
Vict., c. 28.

No. 12

JOINT
APPENDIX.

The Interpretation Act, 1889, 52-53 Victoria, Chapter 63
(Imperial).

No. 12.
The Interpretation
Act, 1889.
52-53
Victoria,
Chapter 63
(Imperial).

An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament.

[30th August, 1889.]

10 Be it 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, as follows :

Rules as to
gender and
number.

Re-enactment of existing Rules.

1. (1) In this Act and in every Act passed after the year One thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears :—

(a) words importing the masculine gender shall include females; and

20

(b) words in the singular shall include the plural, and words in the plural shall include the singular.

(2) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year One thousand eight hundred and fifty.

* * * * *

Supplemental.

* * * * *

30 Repeal.

41. The Acts described in the Schedule to this Act are hereby repealed to the extent appearing in the third column of the Schedule.

* * * * *

Short title.

43. This may be cited as the Interpretation Act, 1889.

* * * * *

SCHEDULE.
ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
* 13 & 14 Vict. c. 21. *	* * An Act for shortening the language used in Acts of Parliament. * *	* The whole Act. *

No. 13

**The British North America Act, 1915, 5-6 George V,
Chapter 45 (Imperial).**

An Act to amend the British North America Act, 1867.

[19th May, 1915.]

Be it enacted by the King'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, as follows:—

1. (1) Notwithstanding anything in the *British North America Act, 1867*, or in any Act amending the same, or in any Order in Council or terms or conditions of union made or approved under the said Acts or in any Act of the Canadian Parliament:—

Alteration of
constitution of
Senate.
30 & 31
Vict., c. 3.

(i) The number of senators provided for under section twenty-one of the *British North America Act, 1867*, is increased from seventy-two to ninety-six;

(ii) The Divisions of Canada in relation to the constitution of the Senate provided for by section twenty-two of the said Act are increased from three to four, the Fourth Division to comprise the Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta, which four Divisions shall (subject to the provisions of the said Act and of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick; and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta;

(iii) The number of persons whom by section twenty-six of the said Act the Governor-General of Canada may, upon the direction of His Majesty the King, add to the Senate, is increased from three or six to four or eight, representing equally the four divisions of Canada;

(iv) In case of such addition being at any time made, the Governor-General of Canada shall not summon any person to the Senate except upon a further like direction by His Majesty the King on the like recommendation to represent one of the four Divisions, until such Division is represented by twenty-four senators and no more;

(v) The number of senators shall not at any time exceed one hundred and four;

(vi) The representation in the Senate to which by section one hundred and forty-seven of the *British North America Act, 1867*, Newfoundland would be entitled in case of its admission to the Union is increased from four to six members, and in case of the admission of Newfoundland into the Union, notwithstanding anything in the said Act or in this Act, the normal number of senators shall be one hundred and two, and their maximum number one hundred and ten;

JOINT APPENDIX.
—
No. 13.
The British North America Act, 1915.
5-6 George V., Chapter 45
—continued.

10 ^{49 & 50} Vict., c. 35.

(vii) Nothing herein contained shall affect the powers of the Canadian Parliament under the *British North America Act, 1886*.

(2) Paragraphs (i) to (vi) inclusive of subsection (1) of this section shall not take effect before the termination of the now existing Canadian Parliament.

Constitution of House of Commons.

2. The *British North America Act, 1867*, is amended by adding thereto the following section immediately after section fifty-one of the said Act:—

20

“51a. Notwithstanding anything in this Act, a Province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such Province.”

Short title.

3. This Act may be cited as the *British North America Act, 1915*, and the *British North America Acts, 1867 to 1886*, and this Act may be cited together as the *British North America Acts, 1867 to 1915*.

No. 14

The Interpretation Act, Statutes of the Province of Canada, 1849,
12 Victoria, Chapter 10.

No. 14.
The Interpretation Act, 1849.
12 Victoria, Chapter 10.

30

(25th April, 1849.)

Whereas it is desirable to avoid, by the Establishment of some general rules for the interpretation of Acts of the Provincial Parliament, the continual repetition therein of words, phrases and clauses, which are rendered necessary solely by the want of such rules. . . . Be it enacted . . .

That each provision shall extend and apply to each Act passed in this present Session or in any future Session of the Provincial Parliament except in so far as any such provision shall be inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause shall be inconsistent with the context, and except in so far as this Act or any provision thereof shall in any such Act be declared not applicable thereto; nor shall the omission in any Act of a declaration that this Act shall apply thereto be construed to prevent its so applying although such express declaration may be inserted in some other Act or Acts of the same Session.

JOINT
APPENDIX.

The Interpretation Act, 1849. 12 Victoria, Chapter 10.

—continued.

v. (7) Words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse.

* * * * *

xxix. Nothing in this Act shall be construed to exclude the application to any such Act as aforesaid of any Rule of Construction applicable thereto and not inconsistent with this Act, or to exclude the application of any Rule of Construction in this Act to any Act passed in any Session before the present, if, without this Act such Rule would have been applicable thereto.

No. 15.
An Act to amend the statutory provisions for the regulation of elections. 12 Victoria, Chapter 27.

No. 15

10

Statutes of the Province of Canada, 12 Vict. (1849),
Chapter 27.

(30th May, 1849.)

An Act to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act, the several Statutory provisions now in force for the regulation of Elections of members to represent the People of this Province in the Legislative Assembly thereof.

* * * * *

XLVI. And be it declared and enacted, that no woman is or shall be entitled to vote at any such election, whether for any County or Riding, City or Town.

20

No. 16.
An Act to change the Constitution of the Legislative Council by rendering the same Elective. 19-20 Victoria, Chapter 140.

No. 16

Statutes of the Province of Canada, 19-20 Vict. (1856),
Chapter 140.

An Act to change the Constitution of the Legislative Council by rendering the same Elective.

Whereas by an Act of the Parliament of the United Kingdom passed in the seventeenth and eighteenth years of the Reign of Her Most Gracious Majesty, chaptered one hundred and eighteen "to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other purposes," it is enacted, That the Legislature of 30 this Province may change the Constitution of the Legislative Council of the said Province, and may make other provisions relative to the same subject and to other subjects therein mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

I. The Legislative Council shall hereafter be composed of the present Members thereof, and of forty-eight Members to be elected, in the proportion and at the times and in the manner hereinafter provided; and to this end, the Province shall be divided into forty-eight Electoral Divisions, twenty-four in Upper Canada and twenty-four in Lower Canada, in the manner set forth in Schedule A.

II. The present Councillors shall continue to hold their seats as heretofore, subject to the conditions contained in the Imperial Act of the third and fourth Victoria, chapter thirty-five, "to re-unite the Provinces of
10 Upper and Lower Canada and for the Government of Canada."

III. The elective Members shall be elected for eight years.

IV. No person shall be eligible or shall sit or vote as a Legislative Councillor unless he be a British Subject by birth or naturalization, resident in Canada, of the full age of thirty years, and be legally or equitably seized as of freehold, for his own use and benefit, of lands or tenements held in free and common socage, or seized or possessed for his own use and benefit, of lands or tenements held in fief, *franc-aleu* or *roture* in this Province, of the value of two thousand pounds currency over and above all debts, charges and dues, nor unless his residence or his lands or tenements
20 as aforesaid to the value aforesaid be within the limits of the Electoral Division for which he shall seek to be, or shall have been, elected.

V. No person shall be elected a Legislative Councillor who is a public defaulter, or shall have been convicted of felony, or of any infamous crime.

VI. No member of one House shall be elected a member of the other.

VII. The seat of an Elective Legislative Councillor shall be forfeited in any of the following cases: if he be a public defaulter, or become a Bankrupt, or insolvent, or take the benefit of any law whatsoever in relation to insolvent debtors, or be convicted of felony or of any infamous crime, or shall cease to hold a property qualification required by the fourth clause.

* * * * *

30 IX. The Writs of Election shall be in the form of Schedule B.

* * * * *

XII. The electors of Legislative Councillors shall, as regards their qualification, be the same as those of Members of the Legislative Assembly, and shall vote at the places at which they ordinarily vote at the election of the latter: The boundaries and extent of the Electoral Divisions are defined by Schedule A.

* * * * *

XIII. The laws relating to the election of Members of the Legislative Assembly, as regards the qualification of Electors, the issue and return of Writs of Election, Returning Officers, the powers and duties of Returning Officers and of Deputy Returning Officers, and of Election and Poll Clerks,
40 the prevention or punishment of offences committed at elections or with respect to elections, to controverted elections, and to all matters connected with or incidental to elections, shall, except where such laws may be inconsistent with this Act, apply in analogous cases to elections of Legislative Councillors.

JOINT APPENDIX.
No. 16.
An Act to change the Constitution of the Legislative Council by rendering the same Elective. 19-20
Victoria, Chapter 140
—continued.

XIV. Every candidate for election to the Legislative Council shall, if thereunto required by another candidate, or by an elector, or by the Returning Officer, make in person a written declaration in the form of Schedule C; and the provisions of the election laws which prior to the passing of this Act related to the declaration of qualification of candidates for election to the Legislative Assembly, shall, with the exception of the amount of property qualification, apply in a precisely similar manner to the declaration of qualification of the candidate for election to the Legislative Council.

* * * * *

Schedule B.

10

Province of Canada.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Returning Officer of

Greeting :

Whereas

We therefore command you, firmly enjoining that having first made Proclamation in the said Electoral Division of , immediately after the receipt of this our Writ, and thereby notified (giving not less than eight days' notice thereof) a day and place for electing a Legislative Councillor to serve for the said Electoral Division of 20 , in our Legislative Council, you cause on the said day and place a Legislative Councillor, the most fit and discreet, to be freely and indifferently chosen to represent the said Electoral Division of , in our Legislative Council, by those who shall be present at the day of election to be fixed by such Proclamation as aforesaid, and the name of such Legislative Councillor so chosen, in certain Indentures between you and those who shall be present at such election (whether the person so chosen shall be present or absent) you cause to be inserted, and cause the said person so chosen as aforesaid to come to the said Legislative Council, so that the said Legislative Councillor have full 30 and sufficient power for himself and the commonalty of the said Electoral Division of severally from them to do and consent to those things which then and there by the favour of God shall happen to be ordained by the Common Council of our said Province, upon the said affairs, so that for default of such powers or through improvident election of such Legislative Councillor, the said affairs remain not undone in any wise.

And we will not that any minister of the Churches of England or Scotland, or a Minister, Priest, Ecclesiastic or Teacher, either according to the rites of the Church of Rome or under any other form or profession of religious faith or worship, by any means be chosen. And that you certify 40 forthwith unto Us, into our Chancery at the City of , the said election so made, distinctly and openly, under your seal and the seals of those who shall be present at such election, sending unto Us one part of the said Indentures annexed to these presents, together with this Our Writ.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed.

Witness,

At Our Government House, at the city of _____ in Our said Province of Canada, the _____ day of _____ in the year of Our Lord One Thousand Eight Hundred and _____ and in the _____ year of Our Reign.

By Command,

A. B.,

Clerk of the Crown in Chancery.

10

JOINT
APPENDIX.

No. 16.
An Act to
change the
Constitution
of the
Legislative
Council by
rendering
the same
Elective.
19-20
Victoria,
Chapter 140
—continued.

Schedule C.

Declaration of Qualification.

I, A.B., declare and testify that I am of the full age of thirty years, that I am a British subject, and that I am a resident in (here insert name of Electoral Division in which Candidate resides), that I am duly seized 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 soccage (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
20 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 two thousand pounds currency, over and above all rents, mortgages, charges and incumbrances charged upon or due or 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.

30

No. 17

Consolidated Statutes of Canada, 1859,
Chapter 6.

An Act respecting Elections of Members of the Legislature.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

No. 17.
An Act
respecting
Elections of
Members of
the
Legislature.
Con. Stats. of
Canada,
1859.
Chapter 6.

Who Shall Not Vote at Elections.

JOINT
APPENDIX.

No. 17.
An Act
respecting
Elections of
Members of
the
Legislature.
Con. Stats. of
Canada,
1859.
Chapter 6
—continued.

* * * * *

3. No woman is or shall be entitled to vote at any such Election, for any Electoral Division whatever.

Who May Vote at Elections.

4. The following persons, and no other persons, being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalisation, and not being disqualified under the preceding sections, or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say :—

1. Every male person entered on the then last Assessment Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein as bounded for municipal purposes, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards—or who is entered on such last revised and corrected Assessment Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value of two hundred dollars at least, or of the assessed yearly value of twenty dollars, or upwards—shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town; subject always to the provisions hereinafter contained;

2. Every male person entered on the then last Assessment Roll, revised, corrected and in force in any Parish, Township, Town, Village or place, not being within any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant of real property of the assessed value of two hundred dollars or upwards—or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part—and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included : subject always to the provisions hereinafter contained.

* * * * *



No. 18

**Statutes of the Province of Canada, 29-30 Victoria (1866),
Chapter 51.**

An Act respecting the Municipal Institutions of Upper Canada.
(Assented to 15th August, 1866.)

* * * * *

Parliamentary Electors.

81. Every male person entered on the then last revised Assessment Roll for every city, town, village or township, as the owner or occupant of real property of the actual value—in cities, of six hundred dollars; in towns, of
10 four hundred dollars; in incorporated villages, of three hundred dollars; and in townships, of two hundred dollars, shall be entitled to vote at all Parliamentary elections, subject to the provisions of the Act, chapter six, of the Consolidated Statutes of Canada, except sub-sections numbered 1 and 2 of section four of the said Act, which are hereby repealed, in so far as they relate to Upper Canada.

* * * * *

No. 19

Statutes of Nova Scotia, 37 Geo. III 1797, Chapter 3.

An Act in amendment of an Act, passed in the Twenty-ninth year of the reign of His present Majesty, entitled, An Act for the better regulation of Elections.

20

Preamble.
What constitutes the right of voting at an election and of an individual to be elected.

Whereas conveyances have heretofore been made, for the purpose of qualifying persons to vote in counties and towns within this Province, for members to represent them in General Assembly :

30

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That each person hereafter to be chosen a member of Assembly, and each elector, at the time of giving his vote, in any election hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in freehold estate, or shall have, within the county or town for which he shall vote, or be elected, in his own right in fee simple, a dwelling-house, with the ground on which the same stands; or one hundred acres of land, whereof five acres, at least, shall be under cultivation; such person, or persons, possessing any one of the before mentioned interests, shall be entitled to vote, or be elected, for the county or town, wherein the same shall be situate. *Provided* always, That no person shall be entitled to vote in any election, to be hereafter held in this Province, or shall be eligible to serve as a member of Assembly, who shall not have had the grant or conveyance, under which he holds as aforesaid, registered six
40 months before the test of the writ for holding the election. *Provided also*, That nothing in this Act contained, shall be construed to extend to any person, or persons, holding by descent or devise, of the yearly value aforesaid.

JOINT APPENDIX.

No. 18.
An Act respecting Municipal Institutions of Upper Canada. 29-30 Victoria, Chapter 51.

No. 19.
An Act in amendment of an Act for the better regulation of Elections. 37 George III., Chapter 3.

No. 20

JOINT APPENDIX.

No. 20. An Act for regulating Elections of Representatives to serve in General Assembly. 57 George III., Chapter 7.

Statutes of Province of Nova Scotia, 57 George III (1817), Chapter 7.

An Act for regulating Elections of Representatives to serve in General Assembly.

* * * * *

11. And be it further enacted, That each person hereafter to be chosen a Member of Assembly, and each Elector, at the time of giving his Vote in any Election, hereafter to be held in this Province, shall actually have an income of Forty Shillings per annum, in Freehold Estate, or shall have, within the County or Town for which he shall Vote, or be Elected, in his own right, in fee simple, a Dwelling House, with the Ground on which the same stands, or One Hundred Acres of Land, whereof Five at least shall be under cultivation; such person or persons possessing any one of the before-mentioned interests, shall be entitled to Vote, or be Elected for the County or Town wherein the same shall be situate. Provided always, That no person shall be entitled to Vote in any Election, to be hereafter held in this Province, or shall be eligible to serve as a Member of Assembly, who shall not have had the Grant or Conveyance, under which he holds as aforesaid, registered six months before the test of the Writ, for holding the Election. Provided also, That nothing in this Act contained, shall be construed to extend to any persons, holding by descent, or devise, of the yearly value aforesaid.

No. 21

No. 21. Construction of statutes. Rev. Stats. of Nova Scotia, 1859. Chapter 1.

Revised Statutes of Nova Scotia (Second Series), 1859.

Title I.

Chapter 1.

Of the Promulgation and Construction of Statutes.

* * * * *

Construction of Acts; meaning of terms; general provisions.

7. In the construction of Acts, the following rules shall be observed, unless otherwise expressly provided for, or such construction would be inconsistent with the manifest intention of the Legislature, or repugnant to the context, that is to say: . . . every word importing the masculine gender only, may extend to females as well as to males.

No. 22

Revised Statutes of Nova Scotia (Second Series), 1859.

Title II of the Legislature.

Chapter 5.

Of the Qualification of Candidates and Electors, and Frauds in Regard Thereto.

JOINT APPENDIX.

No. 22.
Of the Qualification of Candidates and Electors. Rev. Stats., of Nova Scotia, 1859, Chapter 5.

* * * * *

10 Privilege of voting extended to all natural born and naturalized subjects over 21 years of age.

2. Fifthly—All natural born and naturalized subjects of the crown of Great Britain, having been and being domiciled as hereinafter limited, and being males over the age of twenty-one years, shall be entitled to vote for members to serve in general assembly, that is to say, provided they shall at the time of voting have had their usual place of abode for at least one year next before voting in the counties for which they shall vote for county members, and in the townships for which they shall vote for township members; and provided also that such naturalized subjects so voting, and such natural born subjects as were not born in Nova Scotia shall, in addition, have resided in the province for at least five years next before voting; and provided also, that persons voting on residence shall only be entitled to vote in the electoral districts in which they reside at the time of voting and which districts must be in the counties and townships respectively, for representing which the candidates are to be elected at that election; and no person who shall have received aid as a pauper under any poor law in this province, or aid as poor persons from any public grant of government money, within one year before the day of polling, nor any Indian, shall be entitled to vote on residence.

20

Paupers and Indians disabled from voting under this Act.

* * * * *

30 Qualification of Candidates.

4. A candidate shall at the time of election have a qualification which would entitle him to vote, except that it may be situate in any part of the province, and the grant of conveyance thereof need not be registered.

No. 23

Statutes of Nova Scotia, 26 Vict. (1863), Chapter 28.

An Act to regulate the election of members to serve in the General Assembly.

(29th April, 1863.)

No. 23.
An Act to regulate the election of members to serve in the General Assembly. 26 Vict. Chapter 28

Qualification of voters.

1. Every male subject of her Majesty, by birth, or naturalization, being of the age of twenty-one years, and not disqualified

JOINT
APPENDIX.

No. 23
An Act to
regulate the
election of
members to
serve in the
General
Assembly.
26 Vict.
Chapter 28.
—continued.

by law, who shall have been assessed for the year for which the registry hereinafter provided is made up, in respect of real estate, to the value of one hundred and fifty dollars, or in respect of personal estate, or of personal and real estate together, to the value of three hundred dollars, shall be qualified to vote at elections of members to serve in the House of Assembly, for the county, township, or electoral division in which he shall be so assessed.

* * * * *

38. A person capable of being elected a member of the assembly shall be a male British subject of the age of twenty-one 10 years and upwards, and qualified to be an elector under the provisions of this Act in some county, township or electoral division of this province, or shall have a legal or equitable freehold estate in possession of the clear yearly value of eight dollars, and any candidate at any election shall, if required, by any other candidate or any elector or the sheriff make before the sheriff the following declaration :

I, A. B., do declare and testify that I am a British subject of the age of twenty-one years, and that I am duly qualified under the act to regulate the election of members to 20 serve in the General Assembly* to be an elector in the county, township or electoral division of this province, and that my right to vote as said elector is in polling district number—in the county (*or township or electoral division*) of—. *If the candidate claims to be qualified as a freeholder, then after the asterisk insert the words "in right of freehold property of the clear yearly value of eight dollars owned by me and described as follows"; (here briefly describe the same, setting forth the county or township, or electoral division, where situate, and* 30 *further particulars.)*

No. 24

**Statutes of New Brunswick 1786 to 1836, 31 George III (1791),
Chapter 17.**

An Act for Regulating Elections, of Representatives in General Assembly,
and, for limiting the duration of Assemblies, in this Province.

Be it enacted by the Lieutenant Governor, Council and Assembly.

* * * * *

III. And be it further enacted, That the Members to be chosen, to serve in such Assembly, shall be chosen, in every County, which hath right to chuse, by persons, whereof, every one of them shall have a Freehold in such County, of the clear value of twenty-five Pounds, in case such persons 40 reside in such County; and in case such persons do not reside in such County,

No. 24.
An Act for
regulating
elections of
represent-
atives in
General
Assembly.
31 George
III.,
Chapter 17.

shall have a Freehold in such County, of the clear value of Fifty Pounds, free from all incumbrances; and shall have respectively possessed the same, and have had their title Deeds registered, Six Months, before the teste of the said writ: And the person to be chosen, shall be possessed of real Estate, of the value of Two Hundred Pounds, within the County, for which he shall be chosen; and shall have been possessed of the same, and the Deeds thereof duly registered, Six Months before the teste of the writ: And such as have the greatest number of votes of Electors, qualified as aforesaid, shall be returned by the said Sheriffs, Members, to serve in such
 10 Assembly, by Indentures, between the said Sheriff and the said Electors. Provided always, that no person, who shall have mortgaged his Lands, and remain in possession thereof, and receive the income therefrom, shall, by reason of such Mortgage, be debarred from giving his vote, or being elected as aforesaid.

JOINT APPENDIX.
 No. 24.
 An Act for regulating elections of representatives in General Assembly.
 31 George III., Chapter 17.
 —continued.

No. 25

Public Statutes of New Brunswick (1848), 11 Vict., Chapter 65.
 An Act relating to the Election of Representatives to serve in the General Assembly.

(30th March, 1848.)

No. 25.
 An Act relating to the election of Representatives to serve in the General Assembly.
 11 Victoria, Chapter 65.

* * * * *

20 17. The Members to be chosen to serve in such Assembly, shall be chosen in every County which hath right to choose, by male persons of the full age of twenty-one years, not subject to any legal incapacity, every one of whom shall have a freehold in such County, of the value of twenty-five pounds, in case such persons reside in such County; and in case such persons do not reside in such County, shall have a freehold in such County of the value of fifty pounds, and shall have respectively possessed the same, and have had their titles registered six months before the teste of the said Writ; and such Candidates qualified as by law is required, as have the greatest number of votes of Electors qualified as aforesaid, shall be returned by the
 30 Sheriffs, Members to serve in such Assembly, by indentures between the said Sheriff and the said Electors; provided always, that any person who may have mortgaged his lands, and remain in possession of the same, shall not be debarred from voting.

* * * * *

44. And be it enacted, that no person shall be capable of being elected a member of the Assembly of this Province who shall not be the age of twenty-one years, and who shall not be legally seized as of freehold for his own use and benefit of lands or tenements within this Province of the value of three hundred pounds currency. . . .

JOINT
APPENDIX.

No. 26.
The Interpretation
Act, 1854.
Rev. Stats.,
New Brunswick,
1854,
Chapter 161.

No. 26

Revised Statutes of New Brunswick, 1854.

Title XLI., Vol. 1, Chapter 161.

The Interpretation Act.

In the construction of all Acts of Assembly the following rules shall be observed with respect to the following terms, unless otherwise expressly provided for or such construction would be inconsistent with the manifest intention of the Legislature or repugnant to the context, that is to say:—

* * * * *

“ 13. Every word importing the singular number, may extend to several persons or things as well as to one person or thing; and importing the plural number, to one person or thing as well as to several persons or things; and importing the masculine gender, to females as well as males.”

No. 27

New Brunswick Statutes 1855, 18 Victoria, Chapter 37.

No. 27.
An Act to regulate the election of members to serve in the General Assembly, 18 Victoria, Chapter 37.

An Act to regulate the Election of Members to serve in the General Assembly.
(Passed 12th April, 1855.)

1. Every male person of the age of twenty-one years or upwards . . . shall be qualified to vote for representatives of the County or City for which he shall be so assessed; . . .

* * * * *

20. A person capable of being elected a member of the Assembly shall be a male British subject of the age of twenty-one years or upwards. . . .

No. 28

Statutes of Canada (1870), 33 Victoria, Chapter 3.

No. 28.
The Manitoba Act (1870).
33 Victoria,
Chapter 3.

An Act to amend and continue the Act 32 and 33 Victoria, Chapter 3; and to establish and provide for the Government of the Province of Manitoba.
(Assented to 12th May, 1870.)

Whereas it is probable that Her Majesty The Queen may, pursuant to the British North America Act, 1867, be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Parliament of Canada:

And whereas it is expedient to prepare for the transfer of the said Territories to the Government of Canada at the time appointed by the Queen for such admission:

And whereas it is expedient also to provide for the organisation of part of the said Territories as a Province, and for the establishment of a Government therefor, and to make provision for the Civil Government of the remaining part of the said Territories, not included within the limits of the Province :

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

JOINT
APPENDIX.
—
The
Manitoba
Act (1870).
33 Victoria,
Chapter 3.

* * * * *

3. The said Province shall be represented in the Senate of Canada by two Members until it shall have, according to decennial census, a population of fifty thousand souls, and from thenceforth it shall be represented therein by three Members until it shall have according to decennial census, a population of seventy-five thousand souls, and from thenceforth it shall be represented therein by four Members.

No. 29

**The Alberta Act, Statutes of Canada, 1905, 4-5 Edw. VII.,
Chapter 3.**

No. 29.
The
Alberta Act.
4-5 Edward
VII.,
Chapter 3.

An Act to establish and provide for the Government of the Province of Alberta.

(Assented to 20th July, 1905.)

20 Whereas in and by the British North America Act, 1871, being chapter 28, of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament of Canada.

30 And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada; Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. This Act may be cited as the Alberta Act.

* * * * *

3. The provisions of the British North America Acts, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally
40 united, except in so far as varied by this Act and except such provisions as

JOINT
APPENDIX.

The
Alberta Act
4-5 Edw. VII,
Chapter 3.
—continued.

are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

4. The said province shall be represented in the Senate of Canada by four members: Provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada.

* * * * *

8. The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant-Governor from time to time thinks fit.

* * * * *

10. All powers, authorities and functions which under any law were before the coming into force of this Act vested in or exercisable by the Lieutenant-Governor of the North-West Territories, with the advice, or with the advice and consent, of the Executive Council thereof, or in conjunction with that Council or with any member or members thereof or by the said Lieutenant-Governor individually, shall, so far as they are capable of being exercised after the coming into force of this Act in relation to the government of the said province, be vested in and shall or may be exercised by the Lieutenant-Governor of the said province, with the advice or with the advice and consent of, or in conjunction with, the Executive Council of the said province or any member or members thereof, or by the Lieutenant-Governor individually, as the case requires subject nevertheless to be abolished or altered by the legislature of the said province.

No. 30.
An Act to
confer the
Electoral
Franchise
upon women.
8-9 George
V.,
Chapter 20.

No. 30

Statutes of Canada, 1918, 8-9 George V, Chapter 20.

An Act to confer the Electoral Franchise upon Women.
(Assented to 24th May, 1918.)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. (1) Every female person shall be entitled to vote at a Dominion election who—

Women to be
entitled to vote.

Qualifications.

(a) is a British subject;

(b) is of the full age of twenty-one years and upwards;

(c) possesses the qualifications which would entitle a male person to vote at a Dominion election in the province in which said female person seeks to vote: Provided that a married woman or an unmarried daughter living with her father or mother shall be deemed to have any necessary qualification as to property or income if the husband or either of the parents is so qualified.

(2) For the purposes of this Act a female person shall be deemed to be a British subject—

When a
woman is a
British subject
for purposes
of this Act.

(a) if she was born a British subject and is unmarried or is married to a British subject, and has not become a subject of any foreign power; or

(b) if she has herself been personally naturalized as a British subject, and has not since become a subject of a foreign power; or

(c) if she has become a British subject by marriage, or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing (other than in the second case by marriage) to forfeit or lose her status as a British subject, and obtains and presents to the official or officials in charge of the preparation or revision of the voters' lists of the constituency while he is so engaged in such preparation or revision a certificate under the signature of a judge of any court of record or of any superior court, under the seal of the said court, certifying that such female person is of the full age of twenty-one years has resided in Canada a sufficient length of time, and is possessed of all requirements necessary to entitle her, if unmarried, to become naturalized as a British Subject, and that she has taken the oath of allegiance to His Majesty; or

(d) if, notwithstanding she is married to an alien, she was at the time of such marriage a British subject by birth and has not herself sworn allegiance to any foreign power: Provided, however, that this section shall not apply to the wife of an alien enemy.

2. This Act shall be construed as one with the Dominion Elections Act, chapter six of the Revised Statutes of Canada, 1906, and The War-time Elections Act, chapter thirty-nine of the statutes of 1917, and in each of the said Acts the expression, "person" or "male person," or any similar expression, shall include a female person, unless a different meaning is required by the context or by the terms of this Act.

3. Notwithstanding anything in this Act contained it shall not be necessary by reason of any of the provisions thereof, to prepare new voters' lists for the purpose of any by-election to be held before the first day of January, 1919, and in the case of any such by-election any lawful lists available therefor may be used for the purposes of such by-election to the same extent and with the same validity as if this Act had not been passed.

No. 31

Statutes of Canada (1920), 10-11 George V, Chapter 46.

40 An Act respecting the Election of Members of the House of Commons and the Electoral Franchise.

(Assented to 1st July, 1920.)

* * * * *

Qualifications of Candidates.

38. Except as in this Act otherwise provided, any British subject, male or female, who is of the full age of twenty-one years, may be a candidate at a Dominion election. (Sec. 69.)

JOINT APPENDIX.

No. 30.
An Act to confer the Electoral Franchise upon women. 8-9 George V., Chapter 20 —continued.

10

20

Act to be construed one with the Dominion Elections Act and The Wartime Elections Act.

30

New voters' lists for by-elections in 1918 not required.

No. 31.
Dominion Elections Act. 10-11 George V., Chapter 46.

No. 32

Dominion Elections Act, Revised Statutes of Canada, 1927, Chapter 53.

An Act respecting the Election of Members of the House of Commons and the Electoral Franchise.

* * * * *

29. Save as in this Act otherwise provided, every person, male or female, shall be qualified to vote at the election of a member, who, not being an Indian ordinarily resident on an Indian reservation—

(a) is a British subject by birth or naturalization; and 10

(b) is of the full age of twenty-one years; and

(c) has ordinarily resided in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election;

(d) provided, however, that any Indian who has served in the naval, military or air forces of Canada in the war declared by His Majesty on the fourth day of August One thousand nine hundred and fourteen, against the Empire of Germany and, subsequently, against other powers, shall be 20 qualified to vote, unless such Indian is otherwise disqualified under paragraphs (a), (b) and (c) of this section.

2. At a general election, any person who would have been qualified to vote in an electoral district if he had continued to reside therein shall remain so qualified to vote in such electoral district notwithstanding that he has, within the two months immediately preceding the date of the issue of the writ, changed his place of residence, from such electoral district to another.

3. If the name of any voter is on the voters' list of the district in which he previously resided and conditions prevent 30 him from having his name placed on the voters' list in the district wherein he is resident at the time of polling, he may cast his vote in the constituency where his name is inscribed on the voters' list. 1920, c. 46, s. 29; 1922, c. 20, s.1.

* * * * *

Qualifications of Candidates.

38. Except as in this Act otherwise provided any British subject, male or female, who is of the full age of twenty-one years, may be a candidate at a Dominion election. 1920, c. 46, s. 38.

JOINT APPENDIX.
No. 32.
Dominion Elections Act, Rev. Stats., Canada, 1927, Chapter 53.

Electors, qualifications for.

Change of elector's residence before general elections not ground for disqualification.

He may vote where his name is on list.

Qualification of candidates.

No. 33

Revised Statutes of Canada, 1927, Chapter 147.

An Act respecting the Senate and House of Commons.

* * * * *

Privileges and Immunities of Members and Officers.

4. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise—

(a) such and the like privileges, immunities and powers as, at the time of the passing of the *British North America Act*, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and

(b) such privileges, immunities and powers as are from time to time defined by Act of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively. R.S., c. 10, s. 4.

Privileges,
etc., of Senate
and House of
Commons
defined.

10

JOINT
APPENDIX.

No. 33.
The Senate
and House
of Commons
Act. Rev.
Stats.,
Canada,
1927,
Chapter 147.

20

No. 34

The Interpretation Act, Revised Statutes of Canada, 1927, Chapter 1.

An Act respecting the Form and Interpretation of Statutes.

* * * * *

Rules of Construction.

31. In every Act, unless the contrary intention appears:—

* * * * *

(i) words importing the masculine gender include females.

General rules.

Masculine
includes
feminine.

No. 34.
The Inter-
pretation Act
Rev. Stats.,
Canada, 1927
Chapter 1.

30

No. 35

Statutes of the Colony of British Columbia, 1871, No. 3.

An Act to amend and alter the Constitution of this Colony.
[14th February, 1871.]

Preamble.

Whereas negotiations have taken place between the Government of this Colony and the Government of the Dominion of Canada, respecting the admission of this Colony into the Union or Dominion of Canada, constituted by the "British North America Act, 1867," and Terms for Union have been offered by the Government of the Dominion of Canada to the Government of this Colony, which Terms have been agreed to by the Legislative Council of this Colony, and have been embodied in

No. 35.
An Act to
amend and
alter the
Constitution
of the
Colony of
British
Columbia.
Victoria,
No. 3.

JOINT
APPENDIX.

No. 35.
An Act to
amend and
alter the
Constitution
of the
Colony of
British
Columbia.
Victoria,
No. 3.
—continued.

an Address, pursuant to the provisions of the "British North America Act, 1867," in that behalf, from the Legislative Council of this Colony, in the present Session, to Her Majesty the Queen :

And whereas the following provision is inserted in the Terms so offered and agreed to as aforesaid, viz. :—"The Constitution of the Executive authority and of the Legislature of British Columbia shall, subject to the provisions of the 'British North America Act, 1867,' continue as existing at the time of the Union, until altered under the authority of the 10
said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the Inhabitants of British Columbia; and it being likewise understood to be the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature, by providing that a majority of its Members shall be elective" :

And whereas since the time when those Terms were offered, Her Majesty, by an Order in Council, bearing date the 9th day 20
of August, 1870, and made in pursuance of the "British Columbia Act, 1870," has established in this Colony the present Legislative Council, consisting of Nine Elective and Six Non-Elective Members, and has declared that it shall be lawful for the Governor, with the advice and consent of the said Council, to make Laws for the peace, order and good government of this Colony :

And whereas the Legislature now established in this Colony is a Representative Legislature, within the meaning of an Act of the Parliament of the United Kingdom of Great 30
Britain and Ireland, passed in the Session holden in the 28th and 29th years of the Reign of Her present Majesty, intituled "An Act to remove doubts as to the validity of Colonial Laws," and has power to make Laws respecting the Constitution, Powers, and Procedure of such Legislature :

And whereas it is desirable that this Colony should enter into the Union with the Dominion of Canada with a Constitution altered in some respects to that at present subsisting, and with an enlarged Legislative Assembly consisting of wholly 40
elective members :

Be it enacted by His Excellency the Governor of the said Colony of British Columbia, with the advice and consent of the Legislative Council thereof, as follows :—

* * * * *

3. The Executive Council of British Columbia shall be composed of such persons as the Governor from time to time thinks fit, not exceeding five, and in the first instance shall include the following Officers, namely: the Colonial Secretary, the Attorney General, and the Chief Commissioner of Lands and Works.

Composition of
Executive
Council: Officers
included in the
first instance.

No. 36

Statutes of British Columbia, 1916, Chapter 76.

An Act to extend the Electoral Franchise to Women.
 [31st May, 1916.]

JOINT
 APPENDIX.
 No. 36.
 An Act to
 extend the
 Electoral
 Franchise
 to women.
 6 George
 V.,
 Chapter 76.

Preamble.

Whereas it is expedient that the electoral franchise be extended to women upon the same terms as it is now exercised by men: Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

10 Short title.
 Franchise extended to women.

1. This Act may be cited as the "Woman Suffrage Act."
 2. (1) Upon the coming into force of this Act, it shall be lawful for females to have their names placed upon the register of voters for an electoral district, and to vote at any election of members to serve in the Legislative Assembly, upon the same terms, in the same manner, and subject to the same conditions as males; and thereafter females shall be capable of being elected as members of the Legislative Assembly upon the same terms, in the same manner, and subject to the same conditions as males.

20 Amendment of register of voters on change of name through marriage.

(2) Where the name of any female registered voter is changed in consequence of her marriage, it shall be lawful for the Registrar of Voters to cause the register of voters to be amended accordingly.

Coming into force of Act.

3. This Act shall come into force on the first day of March, 1917, on Proclamation of the Lieutenant-Governor in Council pursuant to the provisions of the "Prohibition and Woman Suffrage Referendum Act," being an Act of the present session.

No. 37

Statutes of British Columbia, 1920, Chapter 17.

An Act to amend the "Constitution Act."
 (Assented to 17th April, 1920.)

No. 37.
 An Act to
 amend the
 "Constitu-
 tion Act."
 10 George
 V.,
 Chapter 17.

30

* * * * *

4. Section 30 of said Chapter 44 (of the "Revised Statutes of British Columbia, 1911") is amended by adding thereto the following subsections:—

* * * * *

(3) Women shall be capable of being elected as members of the Legislative Assembly upon the same terms, in the same manner and subject to the same conditions as men.

JOINT
APPENDIX.

No. 38.
An Act
respecting
the
Constitution
of the
Province of
British
Columbia.
Rev. Stats.
1924.
Chapter 45.

No. 38

Revised Statutes of British Columbia, 1924, Chapter 45.

An Act respecting the Constitution of the Province.

* * * * *

9. (1) The Executive Council of British Columbia shall be composed of such persons as the Lieutenant Governor from time to time thinks fit to appoint, not exceeding twelve, including the following officials: Provincial Secretary, Attorney-General, Minister of Lands, Minister of Finance, Minister of Agriculture, Minister of Mines, Minister of Public Works, Minister of Railways, Minister of Labour, Minister of Industries, Minister of Education and President of the Council, 10 of whom not more than eight shall receive any salary.

* * * * *

21. Women shall be capable of being elected as members of the Legislative Assembly upon the same terms, in the same manner, and subject to the same conditions as men. (1920, Ch. 17, s. 4.)

No. 39

Statutes of Alberta, 1916, Chapter 5.

The Equal Suffrage Statutory Law Amendment Act.

(Assented to 19th April, 1916.)

* * * * *

2. Notwithstanding any provisions therein contained women shall be upon an absolute equality with and have the same rights and privileges and be subject to the same penalties and disabilities as men in the following Acts . . . :—

(1) The Alberta Election Act, being Cap. 3, of the Statutes of Alberta, 1909, and Amendments thereto.

* * * * *

(9) An Act respecting the Legislative Assembly of Alberta, being Cap. 2 of the Statutes of Alberta, 1909, and Amendments thereto.

No. 39.
The Equal
Suffrage
Statutory
Law
Amendment
Act.
6 George
V.,
Chapter 5.

No. 40

Commission, Passed Under the Great Seal of Great Britain,
Appointing James Murray to be Captain General and Governor in
Chief of the Province of Quebec.

30

George the Third by the grace of God of Great Britain, France and Ireland, King Defender of the Faith and so forth; To our Trusty and well beloved James Murray Esquire, Greeting.

We, reposing especial trust and Confidence in the prudence, Courage and loyalty of you the said James Murray, of our

No. 40.
Extract
from
Commission
to James
Murray, 21st
November,
1763.

[21 Nov.
1763]

Commission
to be Captain
General and
Governor in

chief of the Province.

especial grace, Certain Knowledge and meer motion, have thought fit to Constitute and appoint, and by these presents, do Constitute and appoint you, the said James Murray to be our Captain General and Governor in Chief in and over our Province of Quebec in America.

JOINT APPENDIX.

No. 40. Extract from Commission to James Murray, 21st November, 1763

—continued.

* * * * *

Boundaries of the Province.

Bounded on the Labrador Coast by the River Saint John, and from thence by a line drawn from the head of that River through the lake Saint John to the south end of Lake Nepissin, from whence the said line Crossing the River Saint Lawrence and the lake Champlain in Forty-five Degrees of Northern Latitude, passes along the high lands which Divide the Rivers that empty themselves into the said River Saint Lawrence from those which fall into the sea, and also along the the north Coast of the Bay des Chaleurs and the Coast of the Gulfts of Saint Lawrence to Cape Rosiers, and from thence, Crossing the mouth of the River Saint Lawrence by the west end of the Island of Anticosty terminates at the aforesaid River Saint John.

10

The Governor is to act according to the powers and directions of this Commission and according to the King's Instructions.

Together with all the Rights members, and appurtenances whatsoever thereunto belonging.

20

And we, do hereby require and Command you to do and execute all things in due manner that shall belong to your said Command and the Trust we have reposed in you, according to the several powers and Directions granted or appointed You by this present Commission and the instructions and authorities herewith given unto you, Or by such other powers instructions or authorities as shall at any time hereafter be granted or appointed under our Signet and Sign Manual, or by our Order in our Privy Council, and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and Consent of the Council and Assembly of our said Province under your Government, in such manner and form as is hereinafter expressed.

30

And our will and pleasure is that You the said James Murray do after the publication of these our Letters patent, and after the appointment of our Council for our said province in such manner and form as prescribed in the instructions which you will herewith receive, in the first place take the oaths appointed to be taken, etc., etc.

* * * * *

40

And we, do hereby give and grant unto you the said James Murray full power and authority with the advice and Consent of our said Council to be appointed as aforesaid, so soon as the Situation and circumstances of our said Province under your Government will admit thereof, and when & as often as need shall require, to summon and call General Assemblies of the Freeholders and Planters, within your Government, in such manner as you in your Direction shall judge most proper, or

JOINT
APPENDIX.

No. 40.
Extract
from
Commission
to James
Murray, 21st
November,
1763
—continued.

according to such further powers, Instructions, and authorities as shall be at any time hereafter granted or appointed you under our Signet and Sign Manual, or by our Order in Our Privy Council.

And our will and pleasure is, That the persons thereupon duly Elected by the Major Part of the Freeholders of the respective parishes, or precincts, and so returned, shall before their sitting take the oath mentioned in the said act intituled (an act for the Further security of his Majesty's person & Government and the succession of the Crown in the Heirs of the late princess Sophia being protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as also make and subscribe the fore-mentioned declaration: Which oaths & declaration you shall Commissionate fit persons under the publick seal of that our province, to tender and administer unto them and untill the same shall be so taken and subscribed, no person shall be Capable of sitting though Elected. 10

And we do hereby declare that the persons so Elected & Qualified shall be called the Assembly of that our province of Quebec; and that you the said James Murray, by & with the advice and Consent of our said Council and Assembly, or the major part of them, shall have full power & authority, to make, 20
Constitute or Ordain, Laws Statutes & ordinances for the publick peace, Welfare, & good Government of our said province, and of the people and Inhabitants thereof, and such others as shall resort thereunto and for the benefit of us our heirs & successors: which said Laws Statutes and Ordinances are not to be repugnant, but as near as may be agreeable, to the laws & Statutes of this our Kingdom of Great Britain.

* * * * *

In Witness Whereof, We have Caused these our Letters to be made patent, Witness our Self at Westminster the Twenty first Day of November, in the fourth Year of our Reign. 30

By Writ of privy Seal,

(Signed)

YORKE & YORKE.

Recorded at the Treasury Chambers Whitehall the 28th Day of November 1763.

(Signed)

T. TOMKYN.

Recorded in the Registry Office in Quebec the 7th Day of June 1766.

(Signed)

J. GOLDFRAP D. Reg. 40

No. 41

JOINT
APPENDIX.

Instructions, Passed Under the Royal Sign Manual and Signet, for James Murray as Captain General and Governor in Chief of the Province of Quebec and the Territories dependent thereupon.

No. 41.
Extract
from
Instructions
for James
Murray, 7th
December,
1763.

GEORGE R.
(L.S.)

[7 Dec.
1763]

Instructions to Our Trusty and Well-beloved JAMES MURRAY, Esq., Our Captain-General and Governor-in-Chief in and over Our Province of Quebec in America, and of all Our Territories dependent thereupon.
10 Given at Our Court at St. James's the Seventh Day of December 1763 in the Fourth Year of Our Reign.

1. With these Our Instructions You will receive Our Commission under Our Great Seal of Great Britain, constituting You Our Captain-General and Governor-in-Chief in and over Our Province of Quebec in America,
* * * * * You are therefore to take upon You the Execution of the Office and Trust We have reposed in You, and the Administration of Government, and to do and execute all Things in due manner that shall belong to your Command, according to the several Powers and Authorities of Our said Commission under Our Great Seal of Great Britain, and these
20 Our Instructions to You, or according to such further Powers and Instructions as shall at any Time hereafter be granted or appointed You under Our Signet and Sign Manual, or by Our Order in Our Privy Council.

2. And You are, with all due Solemnity, to cause Our said Commission to be published at Quebec, which We do appoint to be the Place of your Residence and the principal Seat of Government, in the Districts of Montreal and Trois Rivieres, and in such other parts of your Government as You shall think necessary and expedient, as soon as possible which being done, You are in the next place to nominate and establish a Council for Our said Province, to assist You in the Administration of Government, which
30 Council, is; for the present, to be composed of the Persons, whom We have appointed to be Our Lieutenant-Governors of Montreal and Trois Rivieres, Our Chief Justice of Our said Province, and the Surveyor-General of Our Customs in America for the Northern District, and Eight other Persons to be chosen by You from amongst the most considerable of the Inhabitants of, or Persons of Property in Our said Province; which Persons so nominated and appointed by You as aforesaid (Five of which We do hereby appoint to be a Quorum), are to be Our Council for Our said Province, and to have and enjoy all the Powers, Privilege and Authority usually exercised and enjoyed by the Members of Our Councils in Our other Plantations, and
40 also such others as are contained in Our said Commission under Our Great Seal of Great Britain, and in these Our Instructions to You; and they shall meet together at such Time or Times, Place or Places, as You, in your Discretion, shall think necessary and expedient: It is nevertheless Our Will and Pleasure, that the said Chief Justice, or Surveyor-General of Our Customs, shall not be capable of taking the Administration of the Government upon the Death or Absence of You Our Governor, or the Commander-in-Chief for the Time being.

JOINT
APPENDIX.
No. 41.
Extract
from
Instructions
for James
Murray, 7th
December,
1763
—continued.

3. And You are forthwith to call Our said Council together, or such of them as can be conveniently assembled, and to cause Our said Commission to You to be read at such Meeting; which being done, You shall then take yourself, and also administer to Our Lieutenant-Governors respectively, and to the Members of Our said Council, the Oaths mentioned in an Act, passed in the first Year of the Reign of His Majesty King George the First, intituled, “An Act for the further Security of His Majesty’s Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors”—as also to 10
make and subscribe, and cause them to make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, “An Act for preventing Dangers which may happen from Popish Recusants.” And You and every one of Them are likewise to take an Oath for the due Execution of your and their Places and Trusts, with regard to your and their equal and impartial Administration of Justice; and You are also to take the Oath required by an Act passed in the seventh and eighth Years of the Reign of King William the Third to be taken by Governors of Plantations, to do their utmost that the Laws relating to the Plantations be observed. 20

4. And You are forthwith to transmit unto Our Commissioners for Trade and Plantations, in order to be laid before Us for Our Approbation or Disallowance, the Names of the Members of the Council so to be appointed by You, as aforesaid; as also a List of the Names and Characters of Eight other Persons in Our said Province, whom You judge properly qualified to serve in that Station; to the End that, if any of the Persons appointed by You, as aforesaid, shall not be approved and confirmed by Us, under Our Signet and Sign Manual, the Place or Places of such Persons so disapproved may be forthwith supplied from the said List, or otherwise, as We shall think fit. 30

5. And if it shall at any time happen, that, by the Death, Departure out of Our said Province, Suspension of any of Our said Councillors, or otherwise, there shall be a Vacancy in Our said Council, Our Will and Pleasure is, that You signify the same to Our Commissioners for Trade and Plantations by the first Opportunity, that We may, under Our Sign Manual, constitute and appoint Others in their Stead; to which End, You are, whenever such Vacancy happens, to transmit to Our said Commissioners, in order to be laid before Us, the Names of three or more Persons, Inhabitants of Our said Province, whom You shall esteem best qualified for such Trust.

6. But that Our Affairs may not suffer for want of a due Number of 40
Councillors, if ever it shall happen, that there be less than Seven residing in Our said Province, We do hereby give and grant unto you, the said James Murray, full Power and Authority to chuse as many Persons out of the principal Inhabitants of Our said Province, as will make up the full Number of the Council to be Seven, and no more; which Persons, so chosen and appointed by You, shall be, to all Intents and Purposes, Councillors in Our said Province, till either they shall be confirmed by Us, or by the Nomination of Others by Us, under Our Signet and Sign Manual, Our said Council shall have Seven or more Persons in it.

* * * * *

11. And whereas it is directed, by Our Commission to You under Our great Seal, that so soon as the Situation and Circumstances of Our said Province will admit thereof, You shall, with the Advice of Our Council, summon and call a General Assembly of the Freeholders in Our said Province; You are therefore, as soon as the more pressing Affairs of Government will allow to give all possible attention to the carrying this important Object into Execution : But, as it may be impracticable for the present to form such an Establishment, You are in the mean time to make such Rules and Regulations, by the Advice of Our said Council, as shall appear to be necessary for
 10 the Peace, Order and good Government of Our said Province, taking Care that nothing be passed or done, that shall any ways tend to affect the Life, Limb or Liberty of the subject, or to the imposing any Duties or Taxes; and that all such Rules and Regulations be transmitted to Us, by the first Opportunity after they are passed and made, for Our Approbation or Disallowance. And it is Our Will and Pleasure, that when an Assembly shall have been summoned and met, in such manner as You, in your Discretion, shall think most proper, or as shall be hereafter directed and appointed, the following Regulations be carefully observed in the framing and passing all such Laws, Statutes and Ordinances, as are to be passed by You, with the Advice and
 20 Consent of Our said Council and Assembly; Viz. :

* * * * *

No. 42

Instructions, Passed Under the Royal Sign Manual and Signet, for Guy Carleton as Captain General and Governor in Chief of the Province of Quebec and the Territories dependent thereupon.

Instructions to Our Trusty and Wellbeloved Guy Carleton Esquire, Our Captain General and Governor in Chief in, and over Our Province of Quebec in America and of all Our Territories dependent thereupon. Given at Our Court at St. James's the Third Day of January, 1775. In the Fifteenth year of Our Reign.

30 First, With these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain, constituting you Our Captain General and Governor in Chief in, and over Our Province of Quebec in America, and all Our Territories thereunto belonging, as the said Province and Territories are bounded and described in, and by the said Commission. You are therefore to take upon you the Execution of the Office and Trust We have Reposed in you, and the Administration of the Government, and to do and execute all things in due manner, that shall belong to your Command according to the several Powers and Authorities of our said Commission under Our Great Seal of Great Britain, and these Our Instructions to you,
 40 or according to such further Powers and Instructions, as shall at any time hereafter be granted or appointed you under Our Signet and Sign Manual,

JOINT
APPENDIX.
—
No. 41.
Extract
from
Instructions
for James
Murray, 7th
December,
1763
—continued.

No. 42.
Extract
from
Instructions
for Guy
Carleton, 3rd
January,
1775.
3 Jan., 1775.

JOINT
APPENDIX.
—
No. 42.
Extract
from
Instructions
for Guy
Carleton, 3rd
January,
1775
—continued.

or by Our Order in Our Privy Council; and you are to call together at Quebec (Which We do hereby appoint to be the place of your ordinary Residence, and the principal Seat of Government), the following persons whom We do hereby, with the Advice of Our Privy Council, constitute and appoint to be Our Council for the Affairs of Our said Province of Quebec, and the Territories thereunto belonging; Viz. Hector Theophilus Cramahé Esquire, Our Lieutenant Governor of Our said Province or Our Lieutenant Governor of Our said Province for the time being, Our Chief Justice of Our Province for the time being, Hugh Finlay, Thomas Dunn, James Cuthbert, Colin Drummond, Francis Les Vesques; Edward 10 Harrison, John Collins, Adam Mabean,—De Lery,—St. Ours, Picodyde Contrecoeur, Our Secretary of Our said Province for the time being, George Alsopp,—De La Naudière, La Corne St. Luc, Alexander Johnstone, Conrad Guky,—Bellestres,—Rigauville, and John Fraser Esquires; All and every of which Person and Persons shall hold and enjoy his and their Office and Offices of Councillor or Councillors for Our said Province of Quebec, for and during Our Will and Pleasure, and his or their Residence within Our said Province, and not otherwise.

2. It is Our further Will and Pleasure, that any five of the said Council shall constitute a Board of Council for transacting all Business, in 20 which their Advice and consent may be requisite, Acts of Legislation only excepted (in which Case you are not to act without a Majority of the whole) And it is Our further Will and Pleasure, that the Members of Our said Council shall have and enjoy all the Powers, Privileges and Emoluments enjoyed by the Members of Our Councils in Our other Plantations; and also such others as are contained and directed in Our said Commission under Our Great Seal of Great Britain, and in these Our Instructions to you; and that they shall meet together at such time and times, place and places, as you in your discretion shall think necessary, except when they meet for the purpose of Legislation, in which Case they are to be assembled at the Town of 30 Quebec only.

* * * * *

5. And that We may be always informed of the Names and Characters of Persons fit to supply the Vacancies, which may happen in Our said Council, You are from time to time to transmit to Us, by one of Our Principal Secretaries of State, the names and Characters of such persons, Inhabitants of Our said Colony, whom you shall esteem the best qualified for that Trust; And you are also to transmit a duplicate of the said Account to Our Commissioners for Trade and Plantations, for their Information.

6. And if it shall at any time happen, that by the death or departure out of Our said Province, of any of Our said Councillors, there shall be a 40 Vacancy in Our said Council, Our Will and Pleasure is; that you signify the same to Us by one of Our Principal Secretaries of State, and to Our Commissioners for Trade and Plantations, by the first Opportunity, that we may by Warrant under Our Signet and Sign Manual, and with the Advice of Our Privy Council, constitute and appoint others in their stead.

* * * * *

No. 43

JOINT
APPENDIX.Extracts from Instructions Passed Under the Royal Sign Manual and Signet
for Lord Dorchester, Governor of Upper Canada.

FROM COLONIAL OFFICE, LONDON.

[L.S.]
GEORGE R.No. 43.
Extract
from
Instructions
for Lord
Dorchester,
Governor of
Upper
Canada, 16th
September,
1791.
16 Sept. 1791.
C. O. Instruc-
tions, Quebec,
1786-1791.

Instructions to Our Right Trusty and Wellbeloved Guy, Lord Dorchester,
Knight of the Most Honourable Order of the Bath, Our Captain
General and Governor in Chief in and over Our Province of Lower
Canada; Given at Our Court at St. James's, the Sixteenth day of
10 September, 1791, In the Thirty-first Year of Our Reign.

1st. With these Our Instructions you will receive Our Commission
under Our Great Seal of Great Britain constituting you Our Captain General
and Governor in Chief in and over Our Provinces of Upper Canada and
Lower Canada, bounded as in Our said Commission is particularly
expressed. In the execution therefore of so much of the Office and Trust
we have reposed in you as relates to Our Province of Upper Canada, you are
to take upon you the Administration of the Government of the said Province,
and to do and execute all things belonging to your Command according to
20 the several Powers and Authorities of Our said Commission under Our Great
Seal of Great Britain and of the Act passed in the present year of Our
Reign therein recited, and of these Our Instructions to you according to such
further Powers and Instructions as you shall at any time hereafter receive
under Our Signet and Sign Manual or by Our Order in Our Privy Council.

* * * * *

10. And Whereas We have thought fit to declare by Our Order in
Council bearing date the 24th day of August last, that the Division of
Our Province of Quebec shall commence on the——day of December next,
and that from thenceforth the Lands and Territories therein described shall
be two separate Provinces and be called the Province of Upper Canada and
30 the Province of Lower Canada; you are, as soon as may be after such division
shall take place, to summon by an Instrument under the Great Seal of Our
Province of Upper Canada, to the Legislative Council of that Province, the
following persons, whom We hereby authorize and direct You, so to summon
to Our said Legislative Council of Upper Canada, viz., William Osgoode,
Richard Duncan, William Robertson, Robert Hamilton, Richard Cartwright
Junior, John Munro, Alexander Grant and Peter Russell, Esquires.

11. And Whereas by the aforesaid recited Act passed in the present
year of Our Reign, it is provided that the Seats of the Members of Our
Legislative Council shall become vacant in certain Cases mentioned in the
40 said Act, It is Our Will and Pleasure, that if any Member of Our said
Legislative Council shall at any time leave Our said Province and reside out
of the same, you shall report the same to Us by the first opportunity through
one of Our Principal Secretaries of State—And you are also in like manner
to report whether such member of the said Council is absent by your per-

JOINT
APPENDIX.

No. 43.
Extract
from
Instructions
for Lord
Dorchester,
Governor of
Upper
Canada, 16th
September,
1791

—continued.

mission, or by the Permission of Our Lieutenant Governor or Commander in Chief of the said Province for the time being; and you are also in like manner; to report, if it shall come to your knowledge, that any such Member shall at any time take or have taken any Oath of Allegiance or Obedience to any foreign Prince or Power, or shall be attainted for treason in any court of Law within any of Our Dominions, that we may take measures thereupon as We shall think fit—And you are to take especial Care that the several Provisions of the said Act respecting the several Cases in which Persons may or may not be entitled to receive Writs of Summons to the said Legislative Council, or to hold their Places therein shall be 10 duly executed.

* * * * *

13. And Whereas We have by Our said Commission given you full Power and Authority subject as therein is specified, and to these Our Instructions in that behalf to issue Writs of Summons and Election, and to call together the Legislative Council and Assembly of Our said Province of Upper Canada, and for the purpose of electing the Members of the Assembly of Our said Province of Upper Canada, have also given you full power and Authority to issue a Proclamation dividing Our said Province of Upper Canada into Districts or Counties, or Circles, and Towns or Townships, and declaring and appointing the number of Representatives to be chosen 20 by each of such Districts or Counties, or Circles and Towns or Townships; now, Our Will and Pleasure is, that you shall issue such Proclamation as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the Writs of Summons and Election above mentioned.

No. 44

No. 44.
Extract
from
Instructions
for Lord
Dorchester,
Governor
of Lower
Canada, 16th
September,
1791.

**Extracts from Instructions Passed Under the Royal Sign Manual and Signet
for Lord Dorchester, Governor of Lower Canada.**

FROM COLONIAL OFFICE, LONDON.

[L.S.]
GEORGE R.

30

Instructions to Our Right Trusty and Wellbeloved Guy, Lord Dorchester, Knight of the Most Honourable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of Lower Canada; Given at Our Court at St. James's, the Sixteenth day of September, 1791. In the Thirty-first Year of Our Reign.

1st. With these Our Instructions you will receive Our Commission under Our Great Seal of Great Britain constituting you Our Captain General and Governor in Chief in and over Our Provinces of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly 40 expressed. In the Execution therefore of so much of the Office and Trust

16 Sept. 1791.
C. O. Instruc-
tions, Quebec,
1785-1791.

We have reposed in you as relates to Our Province of Lower Canada, you are to take upon you the Administration of the Government of the said Province, and to do and execute all things belonging to your Command according to the several Powers and Authorities of Our said Commission under Our Great Seal of Great Britain and of the Act passed in the present year of Our Reign therein recited, and of these Our Instructions to you and according to such further Powers and Instructions as you shall at any time hereafter receive under Our Signet and Sign Manual or by Our Order in Our Privy Council.

JOINT
APPENDIX.

No. 44.
Extract
from
Instructions
for Lord
Dorchester,
Governor
of Lower
Canada, 16th
September,
1791

—continued.

* * * * *

10 10. And Whereas We have thought fit to declare by Our Order in Council bearing date the 24th day of August last, that the Division of Our Province of Quebec shall commence on the—day of December next, and that from thenceforth the Lands and Territories therein described shall be two separate Provinces and be called the Province of Upper Canada and the Province of Lower Canada; you are, as soon as may be after such Division shall take place, to summon by an Instrument under the Great Seal of Our Province of Lower Canada, to the Legislative Council of that Province, the following persons whom We hereby authorize and direct you so to summon to our said Legislative Council of Lower Canada; viz. William Smith, J. G. 20 Chaussegros de Léry, Hugh Finlay, Picotté de Belestre, Thomas Dunn, Paul Roc de St. Ours, Edward Harrison, Francis Baby, John Collins, Joseph de Longueuil, Adam Mabane, Charles de Lanaudière, George Pownall, R. Anable de Boucherville, and John Frazer, Esqrs.

11. And Whereas by the aforesaid recited Act passed in the present year of Our Reign, it is provided that the Seats of the Members of Our Legislative Council shall become vacant in certain Cases mentioned in the said Act, It is Our Will and Pleasure, that if any Member of Our said Legislative Council shall at any time leave Our said Province and reside out of the same, you shall report the same to Us by the first opportunity through 30 one of Our Principal Secretaries of State—And you are also in like manner to report whether such member of the said Council is absent by your permission, or by the Permission of Our Lieutenant Governor or Commander in Chief of the said Province for the time being; and you are also in like manner, to report, if it shall come to your knowledge, that any such Member shall at any time take or have taken any Oath of Allegiance or Obedience to any foreign Prince or Power, or shall be attainted for treason in any Court of Law within any of Our Dominions, that We may take measures thereupon as We shall think fit—And you are to take especial Care that the several Provisions of the said Act respecting the several Cases in which 40 Persons may or may not be entitled to receive Writs of Summons to the said Legislative Council, or to hold their Places therein shall be duly executed.

* * * * *

13. And Whereas We have by Our said Commission given you full Power and Authority subject as therein is specified, and to these Our Instructions in that behalf to issue Writs of Summons and Election, and to call together the Legislative Council and Assembly of Our said Province of

JOINT
APPENDIX.

No. 44.
Extract
from
Instructions
for Lord
Dorchester,
Governor of
Lower
Canada, 16th
September,
1791.

Lower Canada, and for the purpose of electing the Members of the Assembly of Our said Province of Lower Canada, have also given you full power and Authority to issue a Proclamation dividing Our said Province of Lower Canada into Districts or Counties, or Circles, and Towns or Townships, and declaring and appointing the number of Representatives to be chosen by each of such Districts or Counties, or Circles and Towns or Townships; now, Our Will and Pleasure is, that you shall issue such Proclamation as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the Writs of Summons and Election above mentioned. 10

—continued.

No. 45

No. 45.
Letter from
Judge Pierre
Bedard to
John
Neilson, 1st
July, 1820.

Letter from Judge Pierre Bedard to John Neilson, 1st July, 1820.

T. Riv. 1 Juillet 1820.

MON CHER MONSIEUR,

* * * * *

Ici l'élection du Bourg a été faite hier, Mr. Ogden et Mr. Badeaux ont été élus par les hommes et les femmes des T. Rivières car il faut que vous sachiez qu'ici les femmes votent comme les hommes indistinctement. Il n'y a que le cas ou elles sont mariées et ou le mari est vivant; alors c'est lui qui porte la voix comme chef de la communauté. Lorsque le mari n'a pas de bien et que la femme en a cest la femme qui vote. Le cas s'est présenté hier. 20 J'ai actuellement un Domestique (qui s'appelle Michel) qui a achetté un emplacement dans la commune il y a un an ou deux et l'a fait batir. Les amis de sa femme lui avoient fait entendre que c'étoit la facon actuellement de passer les contrats au nom de la femme et que cela etoit plus seur, et Michel en consequence avoit fait passer le contrat au nom de sa femme. Il a été pour voter hier; on lui a demandé à faire le serment, il a déclaré que l'emplacement etoit au nom de sa femme; en consequence on a envoyé chercher la femme qui a voté, pour Mr. Ogden et Mr. Ranvoisé le candidat malheureux.

* * * * *

Je vous souhaite une bonne santé et je suis

Mon cher Monsieur

Votre très Humble Servr

P. BEDARD.

J. NEILSON, Esquire,
Quebec.

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Petition of Electors of the Town of Quebec, 1828.

House of Assembly, Lower Canada.

December 4th, 1828.

JOINT
APPENDIX.No. 46.
Petition of
Electors of
the Town of
Quebec, 4th
December,
1828.Upper-
Town of
Quebec
Election—
Petition of
Electors.

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A Petition of divers Electors of the Upper Town of Quebec, whose names are thereunto subscribed, was presented to the House by Mr. Clouet, and the same was received and read; setting forth: That in July One thousand eight hundred and twenty-seven, William Fisher Scott was appointed Returning Officer for the election of two Citizens to represent in Parliament the Upper Town of Quebec, and that on the seventh of August a Poll was opened for that purpose near the Bishop's Palace: That the Candidates were Messrs. Joseph Remy Vallières de St. Réal, Andrew Stuart, George Vanfelson and Amable Berthelot: That the Polling was continued to the fifteenth August, when Messrs. Joseph Remy Vallières de St. Réal and Andrew Stuart were returned as duly elected: That, however, on the fourteenth, Mrs. Widow Laperrière did tender to Mr. Scott, the aforesaid Returning Officer, her vote, under oath, which Mr. Scott did refuse to take and enregister, whereupon a protest against such refusal was served. That the Petitioners allege that the following conclusions are to be drawn from this refusal: 1. That Mr. Scott acted contrary to law; 2. That the election of Mr. Stuart is void. That the Petitioners saw with extreme concern and alarm this refusal to take a vote tendered under oath, in the terms of law; and they allege that Mr. Scott had no discretion to exercise, that he was bound to follow the letter of the law, that he was not to sit as a judge of the law. That the Petitioners need hardly avert to the danger of such a power as Mr. Scott exercised. They will not place their dearest right, their elective franchise, in the hands of any one man, but especially they will not place it in the hands of an officer appointed by the Executive, and whose opinions and feelings under almost every circumstance must endanger the free choice of the people, and thus strike at the root of their liberties. That the Petitioners, therefore, deem this refusal to take a vote offered in the terms of the law, a most dangerous precedent, contrary to law, and tending to subvert their rights and constitutional privileges. That the Petitioners representation the second head, that, as the votes of the Widows were not taken, the return of Mr. Stuart is void, inasmuch as the free choice of all the electors was not made known. That the Petitioners may presume to trouble the House with the reasons which they deem conclusive as to the right of Widows to vote; neither in men nor women can the right to vote be a natural right: it is given by enactment. The only questions are, whether women could exercise that right well

JOINT
APPENDIX.

No. 46.
Petition of
Electors of
the Town of
Quebec, 4th
December,
1828

—continued.

and advantageously for the State, and whether they are entitled to it. That the Petitioners have not learned that there exist any imperfections in the minds of women which place them lower than men in intellectual power, or which would make it more dangerous to entrust them with the exercise of the elective franchise than with the exercise of the numerous other rights which the law as already given them. That, in point of fact, women duly qualified, have hitherto been allowed to exercise the right in question. That the Petitioners conceive that women are fairly entitled to the right, if they can exercise it well. That property and not persons is the basis of representation in the English Government. That the qualifications required by the Election Laws sufficiently shew this. That the same principle is carried into our own constitution. That the paying certain taxes to the State is also a basis of representation; for it is a principal contended for by the best Statesmen of England, that there can be “no taxation without representation.” That the duties to be performed to the State may also give a right to representation. That in respect of property, taxation and duties to the State, the Widow, duly qualified by our Election Laws, is in every essential respect similarly situated with the man: her property is taxed alike with that of the man: she certainly is not liable to Militia duties, nor is the man above forty-five: she is not called to serve on a jury, nor is a physician: she cannot be elected to the Assembly, nor can a Judge or Minister of the Gospel. It may be alleged that nature has only fitted her for domestic life, yet the English Constitution allows a woman to sit on the Throne, and one of its brightest ornaments has been a woman. That it would be impolitic and tyrannical to circumscribe her efforts in society—to say that she shall not have the strongest interest in the fate of her country, and the security of her common rights: It is she who breathes into man with eloquent tenderness his earliest lessons of religion and of morals; and shall it be said that his country shall be forgotten, or that she shall mould his feelings while smarting under hateful laws. That the Petitioners allege that Widows exercise, generally, all the rights of men, are liable to most of the same duties towards the State, and can execute them as well. And they pray from the premises: 1. That the House declare Mr. Scott, the Returning Officer, guilty of malversation in office, and take measures to enforce the law in such case provided. 2. That the proceedings at the late Election for the Upper Town of Quebec, concluded on the fifteenth August One thousand eight hundred and twenty-seven, by the Return of Mr. Stuart, be declared void. The Petitioners further represent, that the Return of Mr. Stuart was made after a contestation of seven days, when all the votes, with a few exceptions, had been polled, and the Return was made in consequence of the small majority of nine votes. That the Petitioners are satisfied in their own

minds, that Mr. Berthelot had a considerable majority of legal votes. That the Petitioners would also represent, that extraordinary means of corruption by threats and actual dismissal from employment, were used by the partizans of Mr. Stuart, both on the part of private individuals and on the part of Officers holding civil and military appointments; and they wish particularly to call the attention of the House to the fact, that it has come to their knowledge, that, in effect, owing to the interference of authorized overseers, the numerous class of voters labouring on His Majesty's works on the Cape came forward under the impression that they risked their employment if they did not vote for Mr. Stuart. That the Petitioners also beg leave to state, that the Records of the King's Bench, Quebec, will shew the conviction of one person, for voting without a right, whom some public-spirited individuals got punished as an example: they did not choose to prosecute about thirty more, of whom they still retain a list taken during the election. That the Petitioners also represent that, in their opinion, a fatal irregularity in keeping the Poll-book was practised when the votes were taken in another Poll-book than that of the Returning Officer, by a clerk not duly sworn. That the Petitioners, in conclusion, pray that the House may act upon the premises as it may deem fitting, and do as to justice appertaineth, in a case which the Petitioners conceive affect their liberties and dearest rights.

Mr. Clouet moved, seconded by Mr. Labrie, That the grounds and reasons of complaint set forth in the said Petition, if true, are sufficient to make void the election of the said Andrew Stuart, Esquire.

Ordered, That the consideration of the said motion be postponed till Tuesday next.

—*Journal of Assembly 1828-29, Vol. 38, pp. 81-82.*

No. 47

Action on Petition.

House of Assembly, Lower Canada.

March 11th, 1829.

On Motion of Mr. Clouet, seconded by Mr. Bourdages.

Ordered, That the further consideration of the Petition of divers Electors of the Upper Town of Quebec, against the Election and Return of Andrew Stuart, Esquire, be postponed till the next Session.

—*Journal of Assembly 1828-29, Vol. 38, p. 680.*

JOINT APPENDIX.

No. 46.
Petition of
Electors of
the Town of
Quebec, 4th
December,
1828
—continued.

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Lower-
Town of
Quebec
Election
deferred
till next
Session.

No. 47.
Action of
Petition of
Electors of
Town of
Quebec, 11th
March,
1829.

Petition of Electors of Borough of William Henry, 1828.

House of Assembly, Lower Canada.

December 4th, 1828.

William Henry Election; Petition of Electors.

A Petition of divers Electors of the Borough of William Henry, whose names are thereunto subscribed, was presented to the House by Mr. Stuart, and the same was received and read; setting forth: That on the twenty-fifth day of July in the year of our Lord One thousand eight hundred and twenty-seven, a 10 Poll was legally opened by Henry Crehassa, Esquire, Returning Officer, for the Election of a Burgess to serve as the Representative of the said Borough of William Henry, in the Provincial Assembly; James Stuart and Wolfred Nelson, Esquires, having offered themselves as Candidates: That although the said James Stuart was afterwards elected by a majority of legal votes, yet an apparent and colourable majority in favour of the said Wolfred Nelson, to the exclusion of the said James Stuart, was obtained by the admission of unqualified persons to vote, by various corrupt, illegal, criminal and un- 20 warrantable means and practices destructive of the right of Election in the persons legally qualified to be Electors, and subversive of the constitutional franchise, rights and privileges of the Petitioners and of the whole body of Electors: That the Petitioners, as well in consideration of the justice due to the person who has been the object of their choice, as from regard to their own rights which have been grossly violated, deem it to be their duty to resist and oppose the illegal Return of the said Wolfred Nelson, and having recourse to the House for their interference, pray leave succinctly to represent the principal 30 facts and grounds on which the said Return is to be considered an undue Return, and as being null and void in law: That many votes were given in favour of the said Wolfred Nelson, by persons without any qualification whatever, and whose want of qualification was even apparent on their own statements; such persons having been induced to vote and even to take the oaths to entitle them to do so, by criminal solicitations, and by assurances pressed upon them, before the Returning Officer himself, that they would incur no harm from such conduct, and that they would be guaranteed and indemnified by the said Wolfred 40 Nelson and his partisans against all consequences: That the votes of women, married, unmarried, and in a state of widowhood, were illegally received for the said Wolfred Nelson, although the illegality of such votes was strenuously urged by the said James Stuart, and notwithstanding the opposition made

No. 48.
Petition of
Electors of
Borough of
William
Henry, 4th
December,
1828.

William
Henry
Election;
Petition of
Electors.

by him and by divers of the Electors to the admission of them : That in divers instances several persons were admitted to vote for the said Wolfred Nelson on one and the same alleged qualification; in others, persons under oath declared themselves proprietors of houses to which they had no right or title; in others, an arbitrary and untrue value, exceeding the real value, was assigned, even on oath, to property of which the value was not sufficient to confer a right of voting; and in almost all these cases an undue and improper influence by promises, by violence, and otherwise, was exercised over such persons even at the Poll, and in the presence and hearing of the Returning Officer, to stifle their scruples, and prevail on them to give their votes for the said Wolfred Nelson; nay, even to induce them to commit perjury by taking the Oath of qualification : That during the whole course of the Election, a number of persons, not resident within the Borough, and having no right to vote at the said Election, were collected and kept together for the purpose of overawing and intimidating Electors desirous of voting for the said James Stuart, from following their inclination, and these persons, by surrounding the Hustings, and by clamour and violence, obstructed and prevented Electors from voting for the said James Stuart, and most effectually violated and destroyed all freedom of Election : That after the said Election, to wit, in a Session of Oyer and Terminer and General Gaol delivery, held at Montreal, in November One thousand eight hundred and twenty-seven, Indictments were found against seven persons; viz. Antoine Aussaut, Nicholas Buckner, Joseph Claprod, Antoine Paul Hus alias Cournoyer, Louis Allard, Rosalie St. Michel, and Jean Baptiste Cantara, for wilful and corrupt perjury, in having sworn falsely at the said Election to entitle themselves to vote for the said Wolfred Nelson; and an Indictment was also found at the said Court against Louis Marcoux, one of the most active partisans of the said Wolfred Nelson at the said Election, for subordination of perjury : That in the last Term of His Majesty's Court of King's Bench for the District of Montreal, one of the said Indictments which had been removed by Certiorari into that Court, namely, the Indictment found against the said Joseph Claprod was tried by a Common Jury, and the said Joseph Claprod, upon the clearest evidence, was found guilty of the offence therein charged against him; the rest of the said Indictments still continue pending and undetermined. Under such circumstances, evincing that the Return of the said Wolfred Nelson has been obtained by the most illegal and criminal means, the Petitioners cannot doubt that the House will feel an anxious desire to do justice upon this representation; and they therefore humbly pray the House to take the premises into its serious consideration; and in granting relief to the Petitioners, that the House will be pleased to order the Clerk of the Crown in Chancery to attend the Bar of the House to amend the Return

JOINT
APPENDIX.

No. 48.
Petition of
Electors of
Borough of
William
Henry, 4th
December,
1828
—continued.

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JOINT
APPENDIX.

No. 48.
Petition of
Electors of
Borough of
William
Henry, 4th
December,
1828

—continued.

for the said Borough, by erasing the name of the said Wolfred Nelson and inserting that of the said James Stuart in lieu thereof, and make such other and further Order in the premises as in the wisdom of the House shall appear fit.

Mr. Stuart moved to resolve, seconded by Mr. Solicitor General, That the grounds and reasons of complaint set forth in the said Petition, if true, are sufficient to make void the Election of the said Wolfred Nelson, Esquire.

Ordered, That the consideration of the said motion be postponed till Saturday next.

—*Journal of Assembly, 1828-29, Vol. 38, pp. 82-84.*

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No. 49.
Petition of
other
Electors of
the
Borough of
William
Henry, 12th
December,
1828.

No. 49

Petition of Other Electors of the Borough of William Henry, 1828.

House of Assembly, Lower Canada.

December 12th, 1828.

William Henry Election; Petition of Electors.

William
Henry
Election:—
Petition of
Electors.

A Petition of divers Electors of the Borough of William Henry, whose names are thereunto subscribed, was presented to the House by Mr. Bourdages, and the same was received and read; setting forth: That the Petitioners have seen the copy 20 of a Petition presented to the House by thirteen of the Electors of the Borough of William Henry, complaining of divers illegal proceedings practised in the last Election by the partisans of Wolfred Nelson, to obtain his Election to the prejudice of that of James Stuart, also a Candidate at the same Election, and requiring that the Return of Wolfred Nelson be declared null, and that the name of James Stuart be substituted in the place of that of the said Wolfred Nelson: That the Petitioners are the more astonished at the proceedings of the partisans of James Stuart, inasmuch as they are founded upon false and 30 malicious grounds, and are entirely void of all foundation whatever, and that it is notorious that in the said Election they have themselves committed a great number of illegal and unconstitutional acts, destructive of the privileges and Elective Franchise of the inhabitants of the said Borough of William Henry: That the Petitioners, perfectly acquainted with all that then passed, feel themselves obliged to make a plain statement of the said acts committed, as well by the said James Stuart as by his partisans: That a great number of individuals were in some measure compelled to swear to the truth of their votes, 40 notwithstanding they had not any right to vote: That the said James Stuart, in sovereign contempt of divine and human laws,

has profaned the sanctity of an oath, in causing the three oaths to be taken unnecessarily, without any distinction, requiring grey-headed old men to prove that they had acquired their one-and-twentieth year, and by people of known property: That the said James Stuart frequently turned himself to the Returning Officer, and said in a vulgar and indecent manner, "stuff the three oaths down their throats:" That the said James Stuart, to intimidate the Electors during the holding of the poll, did often, in the capacity of Attorney General, menace the partisans of Wolfred Nelson, by threatening to put them in the pillory, while on the contrary, he assured those in his favour, that they had nothing to fear, as he, James Stuart, was the King's Attorney General, and was the only person who had a right to prosecute them in case they should be attacked for having voted; that he himself held the hands of many of them on the Holy Evangelists, while the Returning Officer read them the oaths required—these persons expressing a great repugnance to taking an oath, because they thought themselves unqualified: That the said James Stuart received the votes of many women, and he himself sent to a great distance, to fetch them at a great expense, and putting aside all principle of honor and of delicacy, did, himself, and by his agents, in divers instances, make all his efforts, and employ all his well-known eloquence to a very respectable woman, whose husband had voted for him, in order to convince her, that upon the same principles on which her husband had voted, she might also give her vote, under the pretension that the property came from her, and that the oaths had not been required from her husband: That the said James Stuart, during the holding of the poll, caused many qualified Electors to be apprehended by Warrants, for having illegally voted, and unhappily he has prosecuted them with a degree of rage, which marks hatred and cruelty (even several of the Electors who were qualified to vote) before Grand Juries, until he had found a Jury which brought a Bill against them; and that on the contrary, he abstained, against justice and his duty, from prosecuting a great number of those who voted for him, although Warrants were issued against them; and it is but justice to mention, that many perjured themselves, which proves, that what he advanced at the poll, namely, that he was the only one who had the right to prosecute in this manner, is, that whilst it excites against the said James Stuart, not only the indignation of the public in general, but also of his own partisans, the most respectable of them have refused to sign a Petition to the House in favour of him: That it is true, that one of the Electors was found guilty of perjury, but, in fact, the said James Stuart himself ought to be charged with all the guilt, since it is notorious, that he endeavoured to get the votes of the said Electors, and that the said James Stuart, in concert with some Magistrates, persuaded him that he had a right

JOINT
APPENDIX.

No. 49.
Petition of
other
Electors of
the
Borough of
William
Henry, 12th
December,
1828
—continued.

JOINT
APPENDIX.

No. 49.
Petition of
other
Electors of
the
Borough of
William
Henry, 12th
December,
1828

—continued.

to vote, and that it is clear that if the said person had given him his vote, he would not have been prosecuted: That the Election was made under the view of the Governor, and it is notorious that His Excellency took an active part, as much by himself as by his subalterns, and that there exists facts which can prove this: That the said James Stuart did, himself, menace, and in divers instances publicly, an Officer of Government that he would complain to the Governor against him if he did not make himself more active at his Election. The Petitioners, firmly confiding in the truth of their assertions, hope that the House will be pleased to do justice to whom it is due, and that they will order that the false suggestions of James Stuart, and of his partisans, be put aside, and that Wolfred Nelson, duly elected, and possessing the true confidence of the great majority of the people of William Henry, be maintained in his seat.

William
Henry
Election—
Petition
concerning
the same to
be printed.

Mr. Bourdages moved, seconded by Mr. Proulx, That the following Petitions, to wit, that of the Electors of the Borough of William Henry against the Election of Wolfred Nelson, Member elect for the said Borough, that of the said Wolfred Nelson respecting the said Petition presented to this House and received, and that of divers Electors for the said Borough against the Petition of certain Electors for the same, complaining of the illegality of the Election of the said Wolfred Nelson, this day presented and received, be printed; and fifty copies thereof struck off for the use of the Members of this House,

The House divided on the question:—

Yeas 32

Nays 3

So it was carried in the affirmative, and Ordered, Accordingly.

—*Journal of Assembly, 1828-29, Vol. 38, pp. 131-133.*

No. 50.
Action on
Petition of
Borough of
William
Henry,
Contested
Election,
21st Febru-
ary, 1829.

No. 50

**Action on Petition of Borough of William Henry
Contested Election.**

House of Assembly, Lower Canada.

February 21st, 1829.

William
Henry
contested
Election—
Commissioners
appointed.

The Order of the Day for taking into consideration a Motion made by Mr. Bourdages yesterday, viz., "That the Petition of Wolfred Nelson, Esquire, a Member of this House, be referred to three Commissioners to be named for the purpose

of enquiring into the allegations contained in the said Petition, and with respect to the qualification of the persons who signed the Petition against the legality of the Election of the said Wolfred Nelson, at the said Borough of William Henry," being read;

The House proceeded accordingly to take the said Motion into consideration.

And the said Motion being again read, and the question of concurrence being put thereon;

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The House divided :

Yeas 25

Nays 4

So it was carried in the affirmative, and Resolved, Accordingly.

—*Journal of Assembly, 1828-29, Vol. 38, pp. 527.*

JOINT
APPENDIX.

Action on
Petition of
Borough of
William
Henry
Contested
Election,
21st Feb-
ruary, 1929
—*continued.*

No. 51

Action on Borough of William Henry Election Contested
Election.

House of Assembly, Lower Canada.

March 11th, 1829.

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On Motion of Mr. Bourdages, seconded by Mr. De St. Ours,
Ordered, That the further consideration of the proceedings
relating to the last Election for the Borough of William Henry,
be postponed till the next Session.

—*Journal of Assembly, 1828-29, Vol. 38, pp. 680.*

No. 51.
Action on
Borough of
William
Henry,
Contested
Election,
11th March,
1829.

William
Henry
Election
deferred
till next
Session.

No. 52

Commission of Lord Sydenham.

August 29th, 1840.

(Extracts.)

No. 52.
Extract
from
Commission
of Lord
Sydenham,
29th August,
1840.

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Pat. roll
4 Vict. Part
5. No. 10.

Baron Sydenham } Victoria by the Grace of God of the
Governor of Canada. } United Kingdom of Great Britain
and Ireland Queen Defender of the Faith To our Right trusty
and Wellbeloved Councillor Charles Baron Sydenham Greeting
Whereas by an Act made and passed in the Fourth year of our
Reign intituled an Act to reunite the Provinces of Upper and
Lower Canada and for the Government of Canada it is amongst
other things Enacted that it shall be lawful for Us with the
advice of our Privy Council to declare or to authorize the
Governor General of the said two Provinces of Upper and
Lower Canada to declare by Proclamation that the said
Provinces upon from and after a certain day in such Proclama-
tion to be appointed (such day being within fifteen Calendar
months next after the passing of the said Act) shall form and

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JOINT
APPENDIX.

No. 52.
Extract
from
Commission
of Lord
Sydenham,
29th August,
1840
—continued.

be one Province under the name of the "Province of Canada" and thenceforth the said provinces shall constitute and be one Province under the name aforesaid upon from and after the day so appointed as aforesaid. And whereas in pursuance and exercise of the powers so vested in us by the said recited Act We did on the tenth day of August One thousand eight hundred and forty with the advice of our Privy Council authorize the Governor General of the said two Provinces of Upper and Lower Canada to declare by Proclamation that the said Provinces upon from and after a certain day in such Proclamation to be 10 appointed such day being within Fifteen Calendar months next after the passing of the said Act should form and be one Province under the name of the Province of Canada. Now know you that we reposing especial trust and confidence in the prudence courage and loyalty of you the said Charles Baron Sydenham of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint and do by these presents constitute and appoint you the said Charles Baron Sydenham to be during our pleasure our Captain General and Governor in Chief in and over our Province of Canada 20 comprising Upper Canada and Lower Canada

And whereas it is therefore expedient that an executive Council shall be appointed by Us for the affairs of our Province of Canada. Now We do hereby declare our Pleasure to be that there shall be an Executive Council for the Affairs of our Province of Canada. And that the Members thereof shall hold their Places therein during our Pleasure And we do hereby declare our pleasure to be that the said Executive Council shall consist of such persons as shall from time to time for that purpose be appointed by Us by Instruments under the Great 30 Seal of our said Province of Canada which Instruments shall be issued by you in our name and on our behalf in pursuance of Warrants under our Sign Manual and Signet authorizing such Appointments provided nevertheless and it is our further pleasure that in the event of the death Incapacity resignation suspension or absence from the said province of any Member of the said Executive Council so to be appointed by Us in manner aforesaid it shall be competent to you the said Charles Baron Sydenham And we do hereby authorize you without any such previous Warrant under our Signet and Sign Manual as afore- 40 said by an Instrument under the Great Seal of our said Province in our name and on our behalf to appoint some other person or persons to act as an Executive Councillor or Executive Councillors provisionally and until our further pleasure shall be known in the place and stead of any such person or persons so dying or being incapacitated or having resigned or having been suspended or being absent from the said Province And we do further declare our pleasure to be that every such person or persons so provisionally appointed as aforesaid shall by virtue

of such Provisional Appointment and until our further pleasure shall be known be to all intents and purposes an Executive Councillor or Executive Councillors for the affairs of our said Province as fully and effectually to all intents and purposes as if such person or persons had been so appointed in pursuance of a Warrant or Warrants under our Sign Manual and Signet expressly authorizing the appointment of such person or persons.

JOINT
APPENDIX.
—
No. 52.
Extract from
Commission
of Lord
Sydenham,
29th August,
1840
—continued.

No. 53

Lord Sydenham's Instructions.

(Extracts)

10

The Rt. Hon.
Lord Sydenham
Instructions
Canada

VICTORIA R.
Instructions to Our Right Trusty & Right Well-beloved
Councillor Charles Baron Sydenham Our Captain
General and Governor in Chief in and over Our
Province of Canada in America, or in his absence
to Our Lieutenant Governor or the Officer
Administering the Government of Our said Pro-
vince for the time being. Given at Our Court at
Windsor the Thirtieth day of August, 1840, in
the Fourth year of Our Reign.

No. 53.
Extract
from Lord
Sydenham's
Instructions,
30th August,
1840.
30 Aug. 1840.

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* * * * *

Third. And Whereas We did by the said Commission declare Our Pleasure to be that there should be an Executive Council for the Affairs of our Said Province of Canada. Now We do hereby command you that you do forthwith transmit to Us the names of such Persons as may in your opinion be most fit and proper to be appointed Members of Our said Executive Council. And in order that no inconvenience may arise to the Public Service, We do hereby authorize you from time to time to appoint such and so many Persons as may appear to you requisite, to be Members of that
30 Board subject to the signification of Our Pleasure thereupon and to administer to each of the Persons so appointed such of the Oaths mentioned or referred to in Our said recited Commission, as shall be applicable to the case of the Individual to whom the same shall be administered, and We do further Authorize you, should it in your opinion be necessary for the Public Service to remove or suspend any of the Members of Our said Executive Council whether appointed provisionally by you or in conformity with a Warrant under Our Sign Manual;—but in that case you will immediately report to Us through One of Our Principal Secretaries of State, the causes of such removal or suspension as the case may be.

Commission to Richard Philips as Governor of Placentia and Nova Scotia.

July 9, 1719.

(Extract)

D Con Philips As Commiss-

George by the Grace of God &c To our Trusty and Wellbeloved Richard Philips Esquire Greeting Know yee that Wee reposing especial Trust and Confidence in the Prudence Courage and loyalty of you the said Richard Philips out of our especial Grace certain Knowledge and meer mocon have thought fit to Constitute and appoint And by these presents do Constitute and appoint you the said Richard Philips to be our Governor 10 of Placentia in Newfoundland and our Captain General and Governor in Chief in and over our Province of Nova Scotia or Accadie in America and Wee do hereby Require and Command you to do and Execute all things in due manner that shall belong unto your said Command and the Trust Wee have reposed in you according to the several powers and Directions Granted or appointed you by this present comission and the Instructions herewith given you or by such further powers Instructions or Authorities as shall at any time hereafter be granted or appointed you under our Signet and Sign Manual or by our Order in our Privy Council and according to such reasonable laws and Statutes as hereafter shall be made and assented to by 20 you with the Advice and Consent of our Council and Assembly of our said Province hereafter to be appointed And for the better Administration of Justice and management of the Publick Affairs of our said Province We Hereby Give and Grant unto you the said Richard Philips full power and Authority to choose Nominate and appoint such fitting and discreet persons as you shall either find there or carry along with you not exceeding the Number of Twelve to be of our Council in Our said Province till our further pleasure be Known any five Whereof We do hereby appoint to be a Quorum.

 No. 55

**Instructions for Richard Philips, Esq., His Majesty's Governor of Placentia in 30
Newfoundland : and Captain General and Governor in Chief of the Province of
Nova Scotia, or Accadie in America.**

Given at

1^o With these His Majesty's Instructions you will receive a Commission under the Great Seal of Great Britain, constituting you His Majesty's Govr of Placentia in Newfoundland, and Capt'n. General & Govr in Chief in and over the Province of Nova Scotia or Accadie in America.

2^o You are therefore to fit yourself with all convenient speed, & to repair to the said Province where being arrived, you are to take upon you ye execution of the Trust reposed in you, and as soon as may be, to call together 40

No. 54.
Extract
from Com-
mission to
Richard
Philips,
9th July,
1719.

No. 55.
Extract
from
Instructions
for Richard
Phillips,
19th June,
1719.

B.T.N.S.
Vol. 32, p.
428, 1719.
June 19

the persons whom you are Empowered by your Commission to appoint as Councillors there & before them to publish the said Commission & to take yourself and afterwards Administer to the Said Councillors the Oaths therein mentioned.

3° You are to send to His Majesty by one of his principal Secretaries of State, and to the Comrs. for Trade & Plantations the Names & Characters of such persons as shall be appointed by you of the said Council, to whom you shall allow freedom of Debate and Vote, in all Affairs of publick concern that may be debated in Council.

10 4° You are neither to Augment nor Diminish the Number of the said Council, nor suspend any of the Members thereof, without good & sufficient cause, which you are to signify to His Majesty & to the Comrs. for Trade and Plantations as aforesaid.

5° But you are to signify His Majesty's Pleasure unto the Members of the Said Council, that if any of them shall Absent themselves from the Province, and continue Absent above the space of Twelve Months together without leave from you, or from the Govr. or Commandr. in Chief of the Said Province for the time being first obtained, under your or his hand and Seal, or shall remain Absent for the Space of two Years or the greater
20 part thereof successively without His Majesty's leave given them, under His Majesty's Royal Sign Manual, their place or places in the Said Council shall immediately thereupon become Void, And that His Majesty will forthwith appoint others in their Stead.

6° And whereas His Majesty is sensible, that Effectual care ought to be taken to oblige the Members of ye Said Council to a due attendance therein, in Order to prevent the many inconveniences that may happen for the want of a Quorum of the Council to transact Business as Occasion may require. It is His Majesty's Will and Pleasure, that if any of the Said Members shall wilfully absent themselves when duly summoned without a just and
30 lawful Cause, and Shall persist therein after Admonition, you suspend the said Councillors so Absenting themselves till His Majesty's further pleasure be known, giving, His Majesty timely notice thereof, and that this be signify'd to the several Members of the Council & entred on the Council Books as a Standing Rule.

7° And that His Majesty may be always informed of the Names and Characters of persons fit to supply the Vacancies, which shall happen in the sd Council, you are to transmit unto His Majesty by one of His principal Secretaries of State & to the Commissrs for Trade & Plantations with all convenient speed, the Names & Characters of twelve persons Inhabitants of
40 the said Province, whom you shall Esteem the best qualify'd for that Trust, and so from time to time when any of them shall die, depart out of the said Province, or become otherwise unfit, you are to nominate so many other persons to His Majesty in their Stead, that the List of twelve persons fit to supply Vacancies in the said Council, may be always compleat.

8° But you shall not take upon you to fill up any Vacancies that may happen in the Said Council, after the Same Shall be constituted as aforesaid, without His Majesty's leave first obtained, unless the Number of Councillors remaining in your Government be under Seven; And in that case, you are only to compleat them to the Number of Seven & no more.

JOINT
APPENDIX.

No. 55.
Extract
from
Instructions
for Richard
Phillips,
19th June,
1719
—continued.

JOINT
APPENDIX.

No. 55.
Extract
from
Instructions
for Richard
Phillips,
19th June,
1719
—continued.

9^o And the better to Enable His Majesty to compleat what may be further wanting towards the Establishing a Civil Governmt in the Said Province, you are to give unto His Majesty by one of his principal Secretaries of State, and to the Commissrs for Trade & Plantations, by the first Opportunity after your arrival there, a true State of the Said Province, particularly with respect to ye Number and Qualifications of the People that either are there or hereafter shall resort thither, of what Number it may be proper to constitute an Assembly? What persons are proper & fit to be Judges Justices or Sherrifs? And any other matter or thing, that may be of use to His Majesty in the establishing a civil Governmt as aforesaid. 19

10^o In the mean time till such a Government shall have been Established you will receive herewith a Copy of the Instructions given by His Majesty to the Governmt of Virginia, by which you will conduct yourself, till His Majesty's further pleasure shall be Known, as near as the circumstances of the Place will Admit, in such things as they can be applicable to, and where you are not otherwise directed by these instructns. But you are not to take upon you to Enact any Laws till His Majesty shall have appointed an Assembly & given you directions for your proceedings therein.

* * * * *

—*Public Archives of Canada, Nova Scotia Instructions, Series M, Vol. 581.*

No. 56

20

Constitution of Provincial Council of Nova Scotia, 1720.

No. 56.
Extract
from
Constitution
of
Provincial
Council
of Nova
Scotia,
1720.

Richard Philipps Esqr. Captain General and Governor in Chief in and over His Majesty's Province of Nova Scotia Governor of Annapolis Royal in said Province, and of Placentia in Newfoundland, and Collonel of one of His Majesty's regiments of Foote Haveing made choice of the following Gentlemen as Members of His Majesty's Council for the Province aforesaid, they were summoned to attend his Excellency on Munday the 25th April 1720 at the Honble the Lieut. Governor's House in His Majesty's Garrison of Annapolis Royal where accordingly being mett

PRESENT

30

His Excellency the General The Honble Lieut Governor Arthur Savage Esqr.

Major Lawrence Armstrong

Major Paul Mascarene

The revd. John Harrison, Esqr.

Cyprian Southack, Esqr.

Hibbert Newton, Esqr.

William Skene, Esqr.

William Shirreff, Esq.

Peter Boudre, Esqr.

40

His Excellency administered to each of the members the oaths mentioned in An Act passed the first yeare of His Majesty's Reigne intituled an Act

For the further security of His Majesty's Person & Government, and the Succession of the Crowne in the heires of the late Princess Sophia being Protestants, and for extinguishing the hopes of the Pretended Prince of Wales, and his open and secret abettors also they took and subscribed the Declaration mentioned in an Act of Parliament made in the 25th yeare of the reigne of King Charles the second, intituled an Act for preventing Dangers which may happen from Popish Recusants and an Oath for their due Execution of their Places and Trusts, with regard to the equal and impartial administration of justice in all causes which shall come before
 10 them. Then took their Places at the Council board.

JOINT
 APPENDIX.
 —
 Extract from
 Constitution
 of
 Provincial
 Council
 of Nova
 Scotia,
 1720
 —continued.

* * * * *

No. 57

Commission to the Honourable Edward Cornwallis as Governor of Nova Scotia.

May 6, 1749.

(Extract)

GOVERNOR OF NOVA SCOTIA COMMISSION

GEORGE THE SECOND by the Grace of God of Great Britain France and Ireland King defender of the Faith &c To our Trusty and Wellbeloved the Honourable Edward Cornwallis Esqr. Greeting Whereas We did by our Letters Patent under our Great Seal of Great Britain bearing date at
 20 Westminster the Eleventh day of September in the Second Year of our Reign constitute and appoint Richard Phillips Esquire Our Captain-General and Governor-in-Chief in and over our Province of Nova Scotia or Accadie in America with all the Rights, Members and Appurtenances whatsoever thereunto belonging for and during our Will and Pleasure as by the said recited Letters Patent relation being thereunto had may more fully and at large appear Now Know You that We have revoked and determined and by these Presents Do revoke and determine the said recited Letters Patent and every Clause Article and thing therein contained and further know You that We reposing especial Trust and Confidence in the
 30 Prudence Courage and Loyalty of You the said Edward Cornwallis of our especial Grace certain knowledge and meer motion Have thought fit to constitute and appoint and by these presents Do Constitute and appoint You the said Edward Cornwallis to be our Captain-General and Governor-in-Chief in and over our province of Nova Scotia or Accadie in America with all the Rights Members and Appurtenances whatsoever thereunto belonging And We do hereby require and Command You to do and Execute all things in due Manner that shall belong unto your said Command and the Trust We have reposed in You according to the several powers and authorities Granted or appointed You by this present Commission and the Instructions
 40 herewith given You or by such further Powers Instructions and authorities as shall at any time hereafter be Granted or appointed You under our Signet and Sign Manual or by our Order in our Privy Council and according

No. 57.
 Extract
 from Com-
 mission to
 Governor
 Cornwallis,
 6th May,
 1749.

JOINT
APPENDIX.

No. 57.
Extract
from Com-
mission to
Governor
Cornwallis,
6th May,
1743

—continued.

to such reasonable Laws and Statutes as hereafter shall be made or agreed upon by you with the advice and consent of our Council and the Assembly of our said Province under your Government hereafter to be appointed in such manner and form as hereafter expressed And for the better Administration of Justice and Management of the Public Affairs of our said Province We hereby Give and Grant unto You the said Edward Cornwallis full power and authority to Chuse Nominate and Appoint such fitting and Discreet persons as you shall either find there or carry along with You not exceeding the Number of Twelve to be of our Council in our said Province as also to Nominate and Appoint by Warrant under your Hand and Seal 10 all such other Officers and Ministers as You shall Judge proper and necessary for our Service and the Good of the People whom We shall Settle in our said Province until our further Will and Pleasure shall be known . . .

We do hereby Give and Grant unto you full power and authority to Suspend any of the Members of our said Council to be appointed by you as aforesaid from Sitting Voting and Assisting therein if you shall find just Cause for so doing And if it shall at any time happen that by the Death Departure out of our said province Suspension of any of our said Councillors or otherwise there shall be a Vacancy in our said Council (any Five whereof We do hereby appoint to be a Quorum) Our Will and pleasure is 20 that you Signify the same unto us by the first opportunity that We may under our Signet and Sign Manual Constitute and appoint others in their stead—But that our Affairs at that distance may not Suffer for want of a due Number of Councillors if ever it shall happen that there be less than Nine of them residing in our said province We do hereby Give and Grant unto you the said Edward Cornwallis full power and authority to Chuse as many persons out of the Principal Freeholders Inhabitants thereof as will make up the full Number of our said Council to be Nine and no more which persons so chosen and appointed by you shall be to all intents and purposes Councillors in our said province until either they shall be con- 30 firmed by us or that by the Nomination of others by us under our Sign Manual and Signet Our said Council shall have Nine or more Persons in it And We do hereby Give and Grant unto you full power and authority with the Advice and Consent of our said Council from time to time as need shall require to Summon and call general Assemblys of the said Freeholders and Planters within your Government according to the Usage of the rest of our Colonies and Plantations in America And our Will and Pleasure is that the persons thereupon duly Elected by the Major part of the Freeholders of the respective Counties and Places and so returned shall before their sitting take the Oaths mentioned in the said Act Entitled (An Act 40 for the further Security of his Majesties Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the pretended Prince of Wales and his open and Secret Abettors) as also make and Subscribe the aforementioned Declaration (Which Oaths and Declaration you shall Commissionate fit Persons under our Seal of Nova Scotia to tender and administer unto them and until the same shall be so taken and Subscribed no Person shall be capable of Sitting tho Elected) And We do hereby Declare that the persons so Elected and Qualified shall be called and Deemed the General

Assembly of that our Province of Nova Scotia And that you the said Edward Cornwallis with the advice and Consent of our said Council and Assembly or the Major part of them respectively shall have full power and authority to make constitute and Ordain Laws Statutes and Ordinances for the Publick Peace Welfare and good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be Agreeable to the Laws and Statutes of this our Kingdom of Great Britain.

JOINT APPENDIX.
No. 57.
Extract from Commission to Governor Cornwallis, 6th May, 1749
—continued.

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No. 58

Instructions to Governor Cornwallis.

No. 58.
Extract from Instructions to Governor Cornwallis, 29th April, 1749.
Nova Scotia B.T. Vol. 34. p.1. 1749. April 29th.

Instructions for our Trusty and Wellbeloved Edward Cornwallis Esqr. Our Captain General and Governor in Chief in and over Our Province of Nova Scotia or Accadie in America.

Given at Our Court at.....the.....Day of.....in the..... year of Our Reign.

* * * * *

58th. You are to send unto Us by one of Our Principal Secrys. of State and to Our Commissioners of Our Treasury and Our Commissioners for Trade and Plantations for Our Approbation the Names and Characters
20 of such Persons as shall be appointed by you of Our Council for Our said Province and of all other Officers and Ministers, which you are by Your Commission impowered to appoint, and the better to enable Us to compleat what may be further wanting towards the establishing a Civil Government in Our said Province, you are to give unto Us by one of our Principal Secretaries of State and to Our Commissioners for Trade and Plantations by the first opportunity after your arrival there, an exact Account of the Number and Qualifications of the People there, and with respect to any other Matter or Thing that may be of use in the Establishing a Civil Government as aforesaid.

30 59th. And Whereas we have thought proper that the Persons whom you shall appoint to be Our Council for Our said Province of Nova Scotia should be assisting to you or the Commander in Chief of Our Said Province for the time being in all affairs relative to Our Service, you are therefore to communicate unto Our said Council such and so many of these Our Instructions wherein their Advice and Consent are required, as likewise all such other from time to time as you shall find convenient for Our Service to be imparted to them.

60th. You are also to permit the Members of Our said Council to have and enjoy freedom of Debate and Vote in all Affairs of publick concern that
40 may be debated in Council.

61st. And that We may be always informed of the names and Characters of Persons fit to supply the Vacancies which shall happen in Our said

JOINT
APPENDIX.

No. 58.
Extract
from
Instructions
to Governor
Cornwallis,
29th April,
1749
—continued.

Council, You are to transmit unto Us by One of Our Principal Secretaries of State and to Our Commissioners for Trade and Plantations with all convenient speed the Names and Characters of twelve Persons inhabitants of Our said Colony whom You shall esteem the best qualified for that Trust and so from time to time when any of them shall die, depart out of Our said Colony, or become otherwise unfit, you are to nominate so many other Persons in their stead that the List of twelve Persons fit to supply the said Vacancies may be always compleat.

62nd. Whereas by Our Commissn to You You are impowered in case of the Death or Absence of any of Our sd Council of the said Province 10 to fill up the Vacancies in the said Council to the number of nine and no more, You are from time to time to send unto Us as aforesaid and to Our Commissioners for Trade and Plantations the names and Qualities of any Members by you put into the said Council by the first Convenience after your so doing.

63rd. You are neither to augment nor diminish the number of Our said Council as it is hereby established, nor to suspend any of the Members thereof without good and sufficient Cause nor without the consent of the Majority of the said Council, and in case of the suspension of any of them you are to Cause your Reasons for so doing together with the Charges and 20 proofs against the said Persons and their Answers thereunto to be duly enter'd upon the Council Books to be kept by a proper Person to be appointed by you to be Clerk of Our said Council, who is likewise to enter therein all the Proceedings of the said Council and forthwith to transmit copies thereof to Us as aforesaid and to Our Commissioners for Trade and Plantations, nevertheless if it should happen that you should have Reasons for suspending any Councillor not fit to be communicated to the Council you may in that case suspend such Person without their Consent; but you are thereupon immediately to send to Us by One of Our Principal Secrs of State and to Our Commissioners for Trade and Plantations an Account 30 thereof with your Reasons for such suspension, as also for not communicating the same to the Council and Duplicates thereof by the next opportunity.

64th. You are to signify Our Pleasure unto the Members of Our sd Council that if any of them shall hereafter absent themselves from Our said Province and continue absent above the Space of twelve months together without Leave from you or from the Commander in Chief of the said Province for the time being first obtained under your or his hand and Seal, or shall remain absent for the Space of two years successively without Our Leave given them under Our Royal Signature, their Place or Places in the said Council shall immediately thereupon become void, and that We will 40 forthwith appoint others in their stead.

65th. And Whereas We are sensible that effectual care ought to be taken to oblige the Members of Our said Council to a due attendance therein, in order to prevent the many Inconveniencies that may happen for want of a Quorum of the Council to transact Business as Occasion may require, It is Our Will and Pleasure that if any of the Members of Our said Council residing in Our said Province shall hereafter wilfully absent themselves, when duly summon'd, without a just and Lawful cause and shall persist therein after Admonition, you suspend the said Councillors so

absenting themselves till Our further Pleasure be known giving Us timely notice thereof; And We do hereby Will and require You that this Our Royal Will and Pleasure be signified to the several Members of Our Council aforesaid, and that it be enter'd as a standing Rule in the Council books.

JOINT APPENDIX.
No. 58.
Extract from Instructions to Governor Cornwallis, 29th April, 1749
—continued.

* * * * *

86th. And whereas by Our aforesaid commission you are authorised and impowered to summon and Call General Assemblies of Freeholders and Planters within Our said Province, you are therefore so soon as you shall see expedient to issue Writs in Our Name directed to the Sheriff or other proper officer in each Township, directing them to summons the Freeholders
10 of the said Township, and to proceed to the Election of two Persons to represent them in General Assembly, which Election shall be held in each Township respectively, and at such time as you shall think proper; in which said Writ the Time and Place for the Meeting of the said Assembly shall also be specified.

87th. And it is Our Will and Pleasure that you signify to Our General Assemblies of Nova Scotia, if occasion should require, that they have no right to adjourn themselves otherwise than de Diem in Diem, excepting Sundays and Holidays, without Leave from you or from the Commander in Chief of Our said Province for the time being first asked and obtained.

* * * * *

113th. You shall administer or cause to be administered the Oaths appointed in the aforesaid Act, Entitled *an Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants and for extinguishing the Hopes of the Pretended Prince of Wales and His open and Secret Abettors*, to the Members and Officers of Our Council and Assembly, and all Judges, Justices and other Persons that hold any Office or Place of Trust or Profit in Our said Province, whether by Virtue of any Patent under Our Great Seal of Great Britain or the Publick Seal of Nova Scotia or otherwise; and you shall also cause them to make and subscribe the
30 aforesaid Declaration, without the doing of all which you are not to admit any Person whatsoever into any publick Office, nor suffer those that shall have been admitted to continue therein.

* * * * *

No. 59.
The Calling
of the
General
Assembly.
of Province
of Nova
Scotia, 3rd
January,
1757.

The Calling of the General Assembly of the Province of Nova Scotia, 1757.

At a Council holden at the Governor's House in Halifax on Monday the
3rd Jany, 1757.

Present :

The Lieutenant Governor

Councers.

- Jonn. Belcher
- Jno. Collier
- Chas. Morris
- Benj. Green
- Robt. Grant

10

His Excellency the Governor, together with His Majesty's Council, having had under mature consideration the necessary and most expedient measures for carrying into Execution those parts of His Majesty's Commission and Instructions which relate to the calling General Assemblies within the Province, came to the following Resolution thereon, Vizt.

That a House of Representatives of the Inhabitants of this Province, be the civil Legislature thereof in conjunction with His Majesty's Governor or Commander in Chief for the Time being, and His Majesty's Council 20 of the said Province; the first House to be Elected and convened in the following manner, and to be stiled the General Assembly.

* * * * *

That no Person shall be chosen as a member of the said House, or shall have a Right of voting in the Election of any member of the said House, who shall be a Popish Recusant, or shall be under the age of Twenty one years, or who shall not at the time of such Election, be possessed in his own Right of a Freehold Estate within the District for which he shall be elected or shall so vote, nor shall any Elector have more than one vote for each member to be chosen for the Province at large, or for any Township; and that each Freeholder present at such Election and giving his vote for one 30 member for the Province at large, shall be obliged to vote also for the other Eleven.

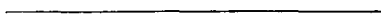
* * * * *

Signed

CHAS. LAWRENCE.

Signed

Jno. DEPORT
Sec. Conc.



No. 60

Lord Durham's Instructions as Governor General of Nova Scotia.

(Extracts)

VICTORIA R.

Instructions to Our Right Trusty and Right Wellbeloved Cousin and
 Councillor John George Earl of Durham Knight Grand Cross of the
 most Honourable Order of the Bath our Captain General & Governor
 in Chief in and over Our Province of Nova Scotia or in his absence
 to Our Lieutenant Governor or Officer Administering the Govern-
 10 ment of Our said Province for the time being Given at Our Court
 at Buckingham Palace this 10th day of February 1838 in the First
 Year of Our Reign.

First. With these Our Instructions you will receive Our Commission
 under the Great Seal of Our United Kingdom of Great Britain and
 Ireland constituting you Our Captain General and Governor in Chief in
 and over Our Province of Nova Scotia and the Islands and Territories
 thereunto belonging you are therefore with all convenient speed to assume
 and enter upon the execution of the Trust We have reposed in you.

Second. And Whereas We have by Our said Commission appointing
 20 you Our Captain General and Governor in Chief as aforesaid declared
 Our Pleasure to be that there shall be within Our said Province of Nova
 Scotia two distinct and separate Councils to be respectively called the
 Legislative Council and the Executive Council of Our said Province with
 certain powers and Authorities therein mentioned, and have further
 declared Our pleasure to be that the said Executive Council and Legislative
 Council respectively should hereafter consist of Such and so many Members
 as shall for that purpose be nominated and appointed by us under Our
 Royal Sign Manual and Signet or as shall be provisionally appointed by
 you the said John George Earl of Durham until Our Pleasure therein
 30 shall be Known provided always that the total number of the Members for
 the time being of such Executive Council resident within Our said Province
 shall not at any time by any such provisional Appointment by you be
 raised to a greater number in the whole than nine, and that the total
 number of the Members of such Legislative Council resident within Our said
 Province shall not at any time by any such provisional appointment by you
 be raised to a greater number in the whole than fifteen.

* * * * *

Now we do hereby authorize and empower you the said John George
 Earl of Durham to nominate and appoint provisionally such persons as you
 shall think fit to be Members of Our said Executive and Legislative Councils
 40 respectively who shall hold their said appointments provisionally until
 Our further pleasure shall be Known. Provided nevertheless and We do
 hereby require you forthwith to transmit to Us through one of Our principal
 Secretaries of State the names and qualifications of the several Members
 so provisionally appointed by you to be Members of Our said Executive

JOINT
APPENDIX.No. 60.
Extract
from
Instructions
for Lord
Durham, 10th
February,
1838.C.O.
Entry book
15, p. 310.
1838.
Feb. 10.

311.

JOINT
APPENDIX.

No. 60.

Extract
from
Instructions
for Lord
Durham, 10th
February,
1838.

—continued.

and Legislative Councils respectively to the intent that the said appointments may be either confirmed or disallowed by Us as We shall see Occasion.

* * * * *

Fifth. You are not to suspend any of the Members of either of Our said Councils without good and sufficient cause, nor without the consent of the Majority of the Members of Our said respective Councils signified in Council after due examination of the charge against such Councillor and his answer thereunto and in case of the suspension of any of them you are to cause your reasons for so doing together with the charges and proofs against such Councillor and his Answer thereunto to be duly entered upon the Council Books and forthwith to transmit Copies thereof to us 10 through one of Our principal Secretaries of State, nevertheless if it should happen that you should have reasons for suspending any Legislative or Executive Councillor not fit to be communicated to the said respective Councils you may in that case suspend such person without their Consent, but you are thereupon immediately to Send to us through One of Our principal Secretaries of State an Account of your proceedings therein with your reasons at large for such suspension.

Sixth. And whereas effectual care ought to be taken to oblige the Members of Our said respective Councils to a due attendance therein in order to prevent the many inconveniences, that may happen for want of a 20 quorum of the said respective Councils to transact business as occasion may require. It is Our Will and pleasure that if any of the Members of Our said respective Councils residing in Our said Province shall hereafter Willfully absent themselves from the said Province and continue absent above the space of Six Months together without leave from you first obtained under your hand and Seal or shall remain Absent for the space of One Year without Our leave given them under Our Royal Signature his or their place or places in the said respective Councils shall immediately therefrom become void, And that if any of the Members of Our said respective Councils residing in Our said Province shall Wilfully absent them- 30 selves hereafter from the said respective Councils when duly summoned by you without good and sufficient cause and shall persist in such absence after being thereof Admonished by you, you are to suspend such Councillors so absenting themselves till Our further pleasure be Known therein, giving immediate notice thereof to Us through One of Our principal Secretaries of State. And We do hereby Will and require you that this Our Royal pleasure be signified to the several Members of Our said respective Councils and that it be entered in the respective Council Books as a Standing rule.

Seventh. You are to Communicate to Our said Council such and so 40 many of these Our instructions Wherein their advice and consent are mentioned to be requisite and likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

JOINT
APPENDIX.

No. 61.
Extract
from Com-
mission to
Thomas
Carleton,
1784
—continued.

the advice and consent of our said Council to be appointed as aforesaid as soon as the Situation and Circumstances of our Province under your Government will admit thereof and when and as often as need shall require to Summon and call general Assemblies of the Freeholders and settlers in the Province under your Government in such manner and according to such further Powers Instructions and Authorities as shall at any time hereafter be granted or appointed you under our signet and Sign Manual or by our order in our Privy Council and our Will and Pleasure is that the Persons thereupon duly elected by the major part of the Freeholders of the respective Counties and Places and so returned shall before their sitting take the Oaths mentioned in the first recited Act of Parliament altered as above as also make and subscribe the afore mentioned Declaration which Oaths and Declaration you shall Commissionate fit Persons under our Seal of New Brunswick to tender and administer unto them and until the same shall be so taken and subscribed no person shall be capable of sitting tho' elected and we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of that our Province of New Brunswick and that you the said Thomas Carleton with the advice and consent of our said Council and Assembly or the Major part of them respectively shall have full power and authority to make constitute and ordain Laws Statutes and Ordinances for the Publick Peace Welfare and good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of us our heirs and successors

No. 62

Instructions to Governor Carleton.

No. 62.
Extract
from
Instructions
to Governor
Carleton,
28th July,
1784.

INSTRUCTIONS to Our Trusty and Wellbeloved Thomas Carleton, Our Captain General and Governor in Chief in and over Our Province of New Brunswick in America.

Given at Our Court at St. James's the 28th day of July 1784 in the twenty fourth year of our Reign.

First. With these Our Instructions, you will receive Our Commission under Our Great Seal of Great Britain, constituting you, Our Captain General and Governor in Chief in and over Our Province of New Brunswick In America, you are therefore to fit yourself with all convenient speed to repair to which we do for the present appoint to be the place of your Residence in Our said Province of New Brunswick, and being arrived there, you are to take upon you the execution of the Office and Trust, We have reposed in you, and the Administration of the Government, and to do and execute all things in due manner, which shall belong to your Command, according to the several Powers and Authorities of Our said Commission, under Our Great Seal of Great Britain, and these Our Instructions to you, according to such further Powers and Instructions, as

shall hereafter be granted, appointed, or given you, under Our Signet and Sign Manual, or by Our Order in Our Privy Council.

2. And you are with all due Solemnity to cause Our said Commission to be published at _____ and such other Ports of your Government, as you shall think necessary and expedient, as soon as possible after your arrival; which being done, you are in the next place to nominate and establish a Council for Our said Province, to assist you in the administration of Government, which Council is for the present, to be composed of the following Persons, (Viz) George Duncan Ludlow Esqr., Our Chief
 10 Justice of Our said Province, and Beverley Robinson, James Putnam, Abijah Willard, Gabriel Ludlow, Isaac Allen, Joshua Upham, Edward Winslow, William Hazen, Daniel Bliss, Gilfred Studholme and Jonathan Odell Esquires and _____ other Persons &c. Our Chief Justice of Our said Province, and _____ and other Persons to be chosen by you from amongst the most considerable of the Inhabitants of, or Persons of Property in Our Said Province, which Persons so nominated and appointed by you as aforesaid (Five of whom We do hereby appoint to be a Quorum) are to
 20 be of Our Council for Our said Province, and to have & enjoy all the Powers, Privileges and authorities usually exercised and enjoyed by the Members of Councils in Our other Plantations, & also such others as are contained in Our said Commission under Our Great Seal of Great Britain, & in these Our Instructions to you; and Our said Council shall meet at such Time and Times, place & places as you in Your Discretion shall think necessary and expedient; It is nevertheless Our Will and Pleasure that the said Chief Justice shall not be capable of taking upon himself the Administration of the Government upon the Death or Absence of you Our Governor, or of the Commander in Chief of Our said Province for the time being.

* * * * *

5. And that We may be always informed of the names and Characters
 30 of Persons fit to supply the Vacancies, which may happen in Our said Council, you are in case of any vacancy, to transmit to Us, by one of Our principal Secretaries of State, the names and characters of three Persons Inhabitants of Our said Colony, whom you shall esteem the best qualified for that Trust, and you are also to transmit a Duplicate of the said Account to the Committee of Our Privy Council for Trade and Plantations, for their Information.

* * * * *

7. And in the choice and nomination of the Members of Our said Council, as also of the Chief Officers, Judges, Assistants, Justices of the Peace and other Officers of Justice, you are always to take care, that they
 40 be men of good Life, well affected to Our Government, and of abilities suitable to their Employments.

8. You are neither to augment, nor diminish the number of Our said Council, as it is at present established, nor to suspend any of the members thereof, without good and sufficient cause, nor without the consent of the majority of Our said Council, signified in Council, after due examination of the charge against such Councillor, and his answer thereunto; And in case of the Suspension of any of them, you are to cause your reasons for so

JOINT
APPENDIX.

No. 62.
Extract
from
Instructions
to Governor
Carleton,
28th July,
1784
—continued.

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No. 62.
Extract from
Instructions
to Governor
Carleton,
28th July,
1784
—continued.

doing, together with the charges and proofs, against the said Persons, and their answers thereunto, to be duly entered upon the Council Books, and forthwith to transmit Copies thereof to Us, by one of Our principal Secretaries of State, and also Duplicates to the Committee of Our Privy Council for Trade and Plantations for their Information, nevertheless if it should happen that you have reasons for suspending any Councillor not fit to be communicated to the Council, you may in that case suspend such person without their Consent, but you are thereupon immediately to send to Us by one of Our principal Secretaries of State an Account of your Proceedings therein, with your Reasons at large for such suspension, as also 10
for not communicating the same to the Council, and Duplicates thereof by the next opportunity, and you are also to transmit a Duplicate of such Account to the Committee of Our Privy Council for Trade and Plantations for their Information.

No. 63.
Extract
from
Quebec
Resolutions,
10th
October,
1864.

No. 63

Report of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the City of Quebec, 10th October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies. 20

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principals just to the several Provinces.

2. In the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union,—would be a general Government charged with matters of common interest to the whole Country and Local Governments for each of the Canadas and for the Provinces of 30
Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections—Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

4. The Executive Authority or Government shall be vested in the 40
Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Sovereign duly authorized.

5. The Sovereign or Representative of the Sovereign shall be Commander-in-Chief of the Land and Naval Militia Forces.

6. There shall be a General Legislature or Parliament for the Federated Provinces, composed of a Legislative Council and a House of Commons.

7. For the Purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions: 1st, Upper Canada; 2nd, Lower Canada; 3rd, Nova Scotia, New Brunswick and Prince Edward Island, each division with an equal representation in the Legislative Council.

10 8. ^{Upper} Canada shall be represented in the Legislative Council by 24 Members, Lower Canada by 24 Members, and the three Maritime Provinces by 24 Members, of which Nova Scotia shall have ten, New Brunswick, Ten, and Prince Edward Island, Four Members.

9. The Colony of Newfoundland shall be entitled to enter the proposed Union, with a representation in the Legislative Council of four Members.

10. The North-West Territory, British Columbia and Vancouver shall be admitted into the Union on such terms and conditions as the Parliament of the Federated Provinces shall deem equitable, and as shall receive the assent of Her Majesty; and in the case of the Province of British Columbia
20 or Vancouver, as shall be agreed to by the Legislature of such Province.

11. The Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government and shall hold Office during Life; if any legislative Councillor shall, for two consecutive sessions of Parliament, fail to give his attendance in the said Council, his seat shall thereby become vacant.

12. The Members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and
30 above their debts and liabilities, but in the case of Newfoundland and Prince Edward Island, the property may be either real or personal.

13. If any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Council.

14. The first selection of the Members of the Legislative Council shall be made, except as regards Prince Edward Island, from the Legislative Councils of the various Provinces so far as a sufficient number be found qualified and willing to serve; such Members shall be appointed by the Crown at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments, and in such nomination
40 due regard shall be had to the claims of the Members of the Legislative Council of the Opposition in each Province, so that all political parties may as nearly as possible be fairly represented.

15. The Speaker of the Legislative Council (unless otherwise provided by Parliament) shall be appointed by the Crown from among the members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

16. Each of the twenty-four Legislative Councillors representing Lower Canada in the Legislative Council of the General Legislature, shall be appointed to represent one of the twenty-four Electoral Divisions men-

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APPENDIX.

No. 63.
Extract
from
Quebec
Resolutions,
10th
October,
1864
—continued.

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—
No. 63.
Extract
from
Quebec
Resolutions,
10th
October,
1864
—continued.

tioned in Schedule A of Chapter first of the Consolidated Statutes of Canada, and such Councillor shall reside, or possess his qualification in the Division he is appointed to represent. —

17. The basis of Representation in the House of Commons shall be Population, as determined by the Official Census every ten years; and the number of Members at first shall be 194, distributed as follows:—

Upper Canada	...	...	...	82
Lower Canada	...	...	...	65
Nova Scotia	...	...	...	19
New Brunswick	...	...	...	15
Newfoundland	...	...	...	8
and Prince Edward Island	...	...	...	5

10

18. Until the Official Census of 1871 has been made up there shall be no change in the number of Representatives from the several sections.

19. Immediately after the completion of the Census of 1871 and immediately after every Decennial Census thereafter, the Representation from each section in the House of Commons shall be re-adjusted on the basis of Population.

20. For the purpose of such re-adjustments, Lower Canada shall always be assigned sixty-five members, and each of the other sections shall at each re-adjustment receive, for the ten years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census last taken by having sixty-five members.

21. No reduction shall be made in the number of Members returned by any section, unless its population shall have decreased relatively to the population of the whole Union, to the extent of five per centum.

22. In computing at each decennial period, the number of Members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one half the number entitling to a Member, in which case a member shall be given for each such fractional part.

23. The Legislature of each Province shall divide such Province into the proper number of constituencies, and define the boundaries of each of them.

24. The Local Legislature of each Province may from time to time alter the Electoral Districts for the purposes of Representation in the House of Commons and distribute the representatives to which the Province is entitled in any manner such Legislature may think fit.

25. The number of Members may at any time be increased by the General Parliament,—regard being had to the proportionate rights then existing.

26. Until provisions are made by the General Parliament, all the Laws which, at the date of the Proclamation constituting the Union, are in force in the Provinces respectively, relating to the qualification and disqualification of any person to be elected or to sit or vote as a member of the Assembly in the said Provinces respectively—and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers and their powers and duties,—and relating to the proceedings at Elections,—and to the period during which such

In the Privy Council.

No. 121 of 1928.

On Appeal from the Supreme Court of Canada.

IN THE MATTER of a Reference as to the meaning of
the word "persons" in Section 24 of The British
North America Act, 1867.

BETWEEN

HENRIETTA MUIR EDWARDS,
NELLIE L. McCLUNG,
LOUISE C. McKINNEY,
EMILY F. MURPHY AND
IRENE PARLBY *Appellants,*

AND

THE ATTORNEY - GENERAL
FOR THE DOMINION OF
CANADA, THE ATTORNEY-
GENERAL FOR THE
PROVINCE OF QUEBEC
AND THE ATTORNEY-
GENERAL FOR THE
PROVINCE OF ALBERTA *Respondents.*

JOINT APPENDIX.

BLAKE & REDDEN,
17, Victoria Street, S.W.1,
for the Appellants.

CHARLES RUSSELL & CO.,
37, Norfolk Street, W.C.2,
for the Attorney-General of Canada.

BLAKE & REDDEN,
for the Attorney-General of Quebec.