20.6.1839

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For Re-uniting the Provinces of Upper Canada and Lower Canada, and for the Government of the United Province.

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

WHEREAS it is necessary that permanent provision should be made for the future good Government of the Provinces of Upper Canada and Lower Canada, in such manner as may best secure the rights and liberties, and promote the interests of all classes of Her Majesty's subjects within the same: Preamble.

And whereas, for that purpose, it is expedient that the said two Provinces of Upper Canada and Lower Canada should be re-united, and should form one Province, for the purposes of Executive Government and legislation, and that provision should also be made for the more effectual advancement and protection of the local interests of the inhabitants in the said Province, by a subdivision of the United Province into Districts, and by the constitution of District Councils:

And whereas it is expedient that the District and County of Gaspé and the Islands of Madelaine, which now form part of the Province of Lower Canada, should be annexed to the Province and Government of New Brunswick;

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 on and from the day of , One thousand eight hundred and 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 I. Repeal from 1 March, 1842, of part of 31, Geo. 3, c. 31.

"An Act to repeal certain parts of an Act passed in the fourth year of His Majesty's Reign, intituled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America,' and to make further Provision for the Government of the said Province," as constitutes or provides for the constitution or calling together of a Legislative Council, or a Legislative Assembly in either of the said Provinces of Upper Canada and Lower Canada respectively, or as confers any powers or functions upon any such Legislative Council or Legislative Assembly, or either of them, or any Member thereof respectively, or as confers any powers or functions on the Governor, or Lieutenant Governor, or person administering the Government of the said Provinces, and the Executive Council of the said Provinces respectively, or either of them; and also so much of an Act passed in the third year of the Reign of His Majesty King GEORGE the Fourth, intituled, "An Act to regulate the Trade of the Provinces of Lower Canada and Upper Canada, and for other purposes relating to the said Provinces," as relates to the settling of the proportions of duties and drawbacks between the said Two Provinces, and the appointment of Arbitrators for that purpose; 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;" and also so much of all Laws and Ordinances of either of the said Provinces of Upper Canada and Lower Canada, as may be contrary to, or inconsistent with, the provisions of this Act, shall, and the same are hereby declared to cease and stand repealed; and so much of any Act or Ordinance which may be passed by the Legislature of either of the said Provinces, at any time hereafter, and before the *First day of January*, in the year one thousand eight hundred and *Forty-two*, as shall be contrary to, or inconsistent with, the provisions of this Act, shall to that extent be null and void: Provided always, That the repeal of the aforesaid several Acts of Parliament and of the said Laws and Ordinances, respectively, shall not be held to revive or give any force or effect to any other Act of Parliament, Law or Ordinance, or any part thereof, which shall by them or any of them have been repealed or determined.

and of part of 3 Geo. 4, c. 119;

and of the whole of 1 & 2 Will. 4, c. 23;

and of all Provincial Laws contrary to the provisions of the Act.

2. The District of Gaspé and Islands of Madelaine annexed to the Province of New Brunswick.

AND whereas His late Majesty King GEORGE the Third, by his Proclamation of the Seventh day of October, One thousand seven hundred and Sixty-three, was pleased to declare that he had put the Coast of Labrador, from the River Saint John to Hudson's Streights, with the Islands of Anticosti and Madelaine, and all other smaller Islands lying on the said coast, under the care and inspection of the Governor

Governor of Newfoundland: AND whereas, by an Act passed in the fourteenth year of his said late Majesty, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," all such territories, islands and counties as, since the Tenth day of February One thousand seven hundred and Sixty-three, had been made part of the Government of Newfoundland, were, during His said Majesty's pleasure, annexed to and made part of the Province of Quebec, is created by the said Proclamation; BE it Enacted, That on and from the *First day of January* One thousand eight hundred and *Forty-two*, the District and County of Gaspé, in the Province of Lower Canada, and also the said Islands of Madelaine, notwithstanding any thing in the said recited Act of the fourteenth year of King GEORGE the Third contained, shall be annexed to and thenceforth form part of the Province and Government of New Brunswick.

14. Geo. 3, c. 83.

1. *Formation and division of the United Province.*

And be it Enacted, That on and from the said *First day of January*, One thousand eight hundred and *Forty-two*, the Provinces of Upper and Lower Canada shall form and be One Province, and shall be called the "United Province of Canada;" and there shall be one Legislature for the said United Province, to be conssituted as hereinafter mentioned.

3. Upper and Lower Canada to form the United Province of Canada from

And be it Enacted, That the said United Province, with the exception of the Cities of Quebec, Montreal, and Toronto, and the Town of Kingston, shall be divided into *Five* Districts, in each of which shall be a District Council, to be constituted as herinafter mentioned.

4. The United Province to be divided into five Districts.

And be it Enacted, That such *Five* Districts shall respectively be formed and bounded in such manner as shall be determined by the Arbitrators to be appointed as hereinafter mentioned, provided that such Districts shall be so formed and bounded as to render the number of Electoral Divisions hereinafter mentioned in the Province of Lower Canada as nearly as may be equal to the number of such Electoral Divisions in the Province of Upper Canada.

5. Districts to be formed and and bounded by arbitrators.

And be it Enacted, That for the purpose of electing Members of the House of Assembly, and of the District Councils in the said United Province, each of the said Districts shall be subdivided into *Nine* Electoral Divisions, which shall be formed and bounded in such manner as shall be determined by the said Arbitrators.

6. Nine Electoral Divisions to be formed in each District.

AND whereas an Act was passed by the Provincial Legislature of Upper Canada, in the sixtieth year of the reign of His Majesty King GEORGE

7. Regard to be had to the Provincial Act of Upper Canada, 60, Geo. 3.

GEORGE the Third, intituled, "An Act for increasing the Representation of the Commons of this Province in the House of Assembly," whereby provision was made for the then present and the future representation of the towns and counties formed, or to be formed, within the said Province, according to a certain scale therein mentioned; BE it Enacted, That in forming the said Electoral Divisions, regard shall be had, so far as is practicable, to the general principles established by the said Act, so far as the same determine or relate to the proportions to be observed between the number of the Representatives for each of the counties therein mentioned, and the extent of the population and territory comprised in every such county.

8. Legislature of United Province may alter the Districts and Divisions.

And be it Enacted, That it shall be lawful for the Legislature of the United Province to alter the boundaries and the number of the Districts of the said United Province, and also to alter the boundaries, and the number of the Electoral Divisions in any District: Provided always, That any Bill to be passed by the Legislative Council and House of Assembly for the purposes aforesaid, or any of them, shall be reserved for the signification of Her Majesty's pleasure thereon, and it shall not be lawful for Her Majesty to signify Her assent thereto, until after the same shall have been laid before both Houses of Parliament for at least *Thirty* Days.

II. *Executive authority in the United Province.*

9. Governor and Executive Council of United Provinces to have all the powers of Governor and Council of the Two Provinces

And be it Enacted, That all powers and functions which by the said Act of the thirty-first year of the reign of King GEORGE the Third, or by any other Act of Parliament, are vested in, or authorized or required to be exercised by the respective Governors of the said Provinces of Upper Canada and Lower Canada, with the advice of the Executive Council of such Provinces respectively, shall and may, so far as the same are not contrary to or inconsistent with the provisions of this Act, be vested in and exercised by the Governor of the said United Province, with the advice of such Executive Council as may be appointed by Her Majesty for the affairs of the said United Province.

III. *Legislature of the United Province.*

10. The Legislature of the United Province to consist of the Governor and Legislative Council and House of Assembly.

And be it Enacted, That the Governor of the said United Province, acting in the name and on behalf of Her Majesty, and a Legislative Council, and a House of Assembly, to be constituted and summoned respectively as hereinafter provided, shall constitute the Legislature of the said United Province.

11. Constitution of the Legislative Council.

And be it Enacted, That it shall be lawful for Her Majesty, by any Commission to be issued from time to time under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's Sign Manual, to summon, before the time to be appointed for the meeting

meeting of the Legislature in the year One thousand eight hundred and *Forty-two* and thenceforth from time to time, such and so many persons as to Her Majesty shall seem fit to be Councillors in the said Legislative Council: Provided always, That it shall be lawful for Her Majesty by any such Commission or Instruction, from time to time to delegate and commit to the Governor of the said United Province the power of summoning, in the name and on behalf of Her Majesty, any such Councillors, which delegated power shall be exercised by such Governor, subject to any such resttictions in that behalf as shall or may be imposed by any such Commission or Instructions; and provided also, That such Council shall not at any time consist of less than *Twenty* Councillors.

12. Who may be Legislative Councillors.

And be it Enacted, That such persons only shall be capable of being summoned as Members of the Legislative Council of the said United Province as shall have filled, but shall have ceased to hold, the office of Judge of the superior courts of the Provinces of Upper or Lower Canada respectively, or of the United Province, or shall have held or shall at the time of being summoned hold the office of Colonel of Militia, or of Member of the Executive Council, or of the Assembly in either of the Provinces, or in the United Province, or the office of Member of the Legislative Council of either of the said Provinces, or of Chairman of any District Council, or of Mayor of any incorporated town or city within the said Provinces or the said United Province.

13. Legislative Councillors to continue in Office eight years from their appointment.

And be it Enacted, That every Legislative Councillor shall continue in office for the term of *Eight* Years, to be computed from the date of his being summoned, unless he shall sooner die or resign his office, or forfeit the same in manner hereinafter mentioned, and at the end of *Eight* Years the appointment of every such Legislative Councillor shall determine: Provided always, That upon such determination of his office, he may immediately, or at any time thereafter, except in cases of death or forfeiture, be again summoned to the same office.

14. Legislative Councillors, Bankrupt, or Insolvent or convicted of Treason or of Felony, to forfeit their office.

And be it Enacted, That any Legislative Councillor may resign his office; and if any Legislative Councillor shall after his appointment become Bankrupt or take the benefit of any laws relating to Insolvents, or shall compound with his creditors, or shall be attainted of treason or felony, he shall thereupon and in any such case forthwith forfeit and cease to hold the office of Legislative Councillor.

15. Five to constitute a quorum of the Legislative Council.

And be it Enacted, That in order to constitute a meeting of the said Legislative Council there shall be *Five* Councillors at least present, and that no business shall be done and no decision shall be come to by any such meeting unless there shall be *Five* Councillors present, except adjourning the said meeting.

And

16. Governor to appoint the President.

And be it Enacted, That it shall be lawful for the Governor of the United Province from time to time, so often as there shall be occasion, to appoint one of the said Councillors to be the President of the Legislative Council, and also to remove the persons so appointed, and to appoint any other of the said Councillors to be such President.

17. President to have a casting Vote.

And be it Enacted, That all questions which shall arise in the said Legislative Council shall be decided by the majority of voices of the Councillors present other than the President; and where the same shall be equal, the President shall have a casting Vote.

18. Assembly to consist of Two Members for each Electoral Division, and of Members for Quebec, Montreal, Toronto and Kingston.

And be it Enacted, That the First Assembly of the said United Province that shall be elected under the powers contained in this Act shall consist of *Ninety-eight* Members, to be chosen as hereinafter mentioned; (that is to say) for every Electoral Division in each District of the said United Province, *Two* Members shall be elected to represent such Division in the said Assembly; and *Two* Members shall be elected for each of the Cities of Quebec, Montreal and Toronto, and for the Town of Kingston respectively;

And be it also Enacted, that until provision shall be otherwise made by law within the said United Province, every Assembly thereof other than the first, shall consist of the same number of Members to be chosen as hereinbefore mentioned.

19. Powers of the Governor of Upper Canada as to summoning the Legislature, and the Laws of Upper Canada as to holding annual Sessions, and the qualification of Members to be extended to the United Province.

And be it Enacted, That until provision shall be otherwise made by law within the said United Province, all and every the powers now by law vested in the Governor of the Province of Upper Canada for fixing the place and time of holding the Sessions of the Legislature of that Province, and for proroguing any such Session, and for dissolving the said Provincial Legislature, shall be vested in the Governor of the said United Province in respect of the Legislature thereof; and all the laws now in force in the said Province of Upper Canada relating to the holding an annual Session of the said Legislature, or relating to the continuance of the Assembly thereof, or relating to the qualification or disqualification of any person to be elected, or to sit or vote as a Member of the said Assembly, shall extend and be applied to the Legislature of the said United Province and of the Assembly thereof.

20. Existing Election Laws within the Provinces to be applied to the Election of Members of the Assembly of the United Province.

And be it Enacted, That until provision shall be otherwise made by law within the said United Province, the House of Assembly of the said United Province shall from time to time be summoned to meet for the despatch of business by the Governor of the said United Province, in the same manner and form as is now observed by law by the Governor of the Province of Upper Canada in summoning the Legislature of that Province; and that until provision shall be otherwise made as aforesaid, the Writs for the Election of Members

bers to serve in the said Assembly of the United Province shall be directed to such person as the Governor shall appoint, by writing under his hand, to be the Returning Officer of each District thereof, and shall be executed within each Electoral Division of every such District by a Returning Officer to be for that purpose appointed by the Returning Officer of the District; and that until provision shall be otherwise made as aforesaid, all the laws now in force within the said Province of Upper Canada, and all the laws which before the passing of an Act made and passed in the last Session of Parliament, intituled, "An Act to make temporary Provision for the Government of Lower Canada," were in force in the said Province of Lower Canada, relating to the forms of Writs for the Election of Members of the Assembly in the said respective Provinces, and to the time within which the same shall be made returnable, and to the manner of executing the same, and to the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution of the Assembly, and to the appointment of the time and the place for holding the Election of Members of the Assembly, and to the conduct of such Elections, and to the payment of any lawful expenses attendant thereon, and to the qualification or disqualification of Voters at any such Elections, and to the oaths to be taken by any such Voters, and to the oaths to be taken by Members of the Assembly, shall be respectively applied to Elections for Members of the Assembly of the United Province, the laws now in force within the Province of Upper Canada in respect of the several matters aforesaid being applied to the Election of Members for any Electoral Division situate within that part of the United Province now forming the Province of Upper Canada; and the laws which, until the passing of the said Act of the last Session of Parliament, were in force within the said Province of Lower Canada in respect of the several matters aforesaid being applied to the Election of Members for any Electoral Division situate within that part of the United Province now forming the Province of Lower Canada: Provided always, that no Elector shall be entitled to more than One right of voting for any One Electoral Division, but that a qualification within the Division which would have been sufficient in amount to have enabled a person to vote at any Election, either for a Town or County in the said respective Provinces, shall entitle the Elector to vote for the Division.

21. Legislature of United Province may alter the regulations respecting the number of Members of Assembly, &c.

And be it Enacted, That, any thing herein contained to the contrary notwithstanding, it shall be lawful for the Legislature of the said United Province from time to time, by any law or laws to be for that purpose made, to make such provision as to them shall seem meet respecting the number of the Members of the said Assembly, or the time and place of holding the Sessions of the said Legislature, or the prorogation of any such Session, or the dissolution thereof, or the continuance

tinuance of the Assembly of the said United Province, or the qualification or disqualification of any person to be elected, or to sit or vote as a Member of the said Assembly or the summoning the said Assembly, for the despatch of business, or the issuing Writs for the election of Members to serve therein, or the appointment of Returning Officers, or the forms of Writs for the election of Members of the said Assembly, or the making returns to or the execution of any such Writs, or the appointment of the time and place for holding election of Members, or the conduct of such elections, or the payment of any lawful expenses attendant thereon, or the qualification or disqualification of Voters, at any such election, or the oaths to be taken by any such Voters or by Members of the Assembly; Provided that any Bill to be passed by the Legislative Council and House of Assembly affecting the powers of the Governor for fixing the place and time of holding Sessions of the Legislature of the said United Province, for proroguing any such Session, or for dissolving the Provincial Legislature, or relating to a continuance of the Assembly thereof, shall be reserved for the signification of Her Majesty's pleasure thereon, and it shall not be lawful for Her Majesty to signify Her assent thereto until after the same shall have been laid before both Houses of Parliament for at least *Thirty* Days.

Proviso reserving for the signification of Her Majesty's pleasure any such Bills in certain cases.

22. Assembly to elect their Speaker.

And be it Enacted, That the Members of the Assembly shall, upon their first assembling after every general Election, proceed forthwith to elect one of their number as Speaker; and in case of his death, resignation, or removal by a vote of the said Assembly, the said Members shall forthwith proceed to elect another of their Members as such Speaker; and the said Speaker shall preside at all meetings of the Assembly.

23. Speaker to have a casting Vote; Twenty Members to form a quorum.

And be it Enacted, That *Twenty* Members of the Assembly shall form a quorum thereof, and that all questions which shall arise in the Assembly shall be decided by the majority of voices of such Members as shall be present other than the Speaker, and where the same shall be equal the Speaker shall have a casting voice.

24 Power of Provincial Legislature to make Laws.

And be it Enacted, That it shall be lawful for the Legislature of the United Province to make Laws for the peace, order, welfare, and good government of the said United Province and every part thereof, which, when assented to by or on behalf of Her Majesty in manner hereinafter provided, shall be valid and binding to all intents and purposes whatsoever within the said United Province, except in such cases as are by this Act excepted.

25. Governor may assent to or withhold assent from Bills, or may

And be it Enacted, That whenever any Bill which has been passed by the Legislative Council and by the House of Assembly

bly shall be presented for Her Majesty's assent to the Governor of the said United Province, such Governor is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by Her Majesty, that he assents to such Bill in Her Majesty's name, or that he withholds Her Majesty's assent from such Bill, or that he reserves such Bill for the signification of Her Majesty's pleasure thereon; and any Bill assented to by the said Governor shall have full force of law as an Act of the said Legislature, unless and until the same shall be disallowed by Her Majesty in manner and within the time hereinafter mentioned.

reserve them for Her Majesty's pleasure.

Provided always, and be it Enacted, That whenever any Bill shall have been presented for Her Majesty's assent to the Governor, and shall have been assented to by him in Her Majesty's name and shall have thereby become an Act of the Legislature, such Governor shall, by the first convenient opportunity, transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of the Act so assented to; and it shall be lawful at any time within *Two* Years after such Act shall have been received by such Secretary of State for Her Majesty, by Her Order in Council, to declare Her disallowance of such Act, and such disallowance, together with a certificate under the hand and seal of such Secretary of State, testifying the day on which such Act was received as aforesaid, being signified by the Governor by speech or message to the Legislative Council and Assembly of the United Province or by proclamation, shall make void and null the said Act, from and after the date of such signification.

26. Governor to transmit Bills assented to, to the Secretary of State, and they may be disallowed by Her Majesty within Two Years.

And be it Enacted, that an authentic copy of every Bill which shall be reserved for the signification of Her Majesty's pleasure thereon, shall also be transmitted by the first convenient opportunity to one of Her Majesty's Principal Secretaries of State, and shall not have any force or authority within the said United Province until the Governor shall signify, either by speech or message, to the Legislative Council and Assembly of such Province, or by proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and an entry shall be made in the Journals of the said Legislative Council of every such speech, message or proclamation, and a duplicate thereof, duly attested, shall be delivered to the proper officer to be kept amongst the public records of the Province; and no Bill which shall be so reserved as aforesaid shall have any force or authority within the said United Province, unless Her Majesty's assent shall have been so signified as aforesaid within the space of *Two* Years from the

27. Reserved Bills to be transmitted to the Secretary of State, and to have no effect unless assented to within Two Years.

the day on which the transcript of such Bill shall have been received by the Secretary of State for Her Majesty's assent; a certificate of the date of which receipt, under the hand and seal of such Secretary of State, shall be transmitted back to the Governor with Her Majesty's assent to such Bill.

28. No Act of the Provincial Legislature to be valid as against this Act or as against any Act regulating Trade, or expressly relating to the Province.

Provided always, and be it Enacted, That no Act of the Legislature of the United Province shall be valid or binding, or of any force or effect whatsoever, so far as it shall be inconsistent with the provisions of this Act, or inconsistent with the provisions of any Act of Parliament passed or to be passed for the regulation or protection, or for imposing or collecting duties in respect of the regulation or protection, of commerce between the said Provinces or United Province and any other part of Her Majesty's dominions, or the dependencies thereof, or between the said Provinces or United Province and any foreign country or state, or for varying such duties or allowing drawbacks thereon, or of any Act of Parliament passed or to be passed, which shall, either by express words or necessary intendment, extend to the said Provinces of Upper and Lower Canada or the said United Province.

29. Nor which may affect the succession to the Crown or Foreign Treaties, or the relations of Peace or War.

Provided also, and be it Enacted, That no Act of the Legislature of the United Province shall be valid or of any force or effect, so far as it relates to or affects the succession of the Imperial Crown of these realms, or so far as it shall be contrary to or interfere with the operation of any treaty now subsisting, or which shall, at any time hereafter be concluded between Her Majesty, and any foreign state, or shall affect the relations subsisting between Her Majesty and any foreign state in respect of peace or war.

30. Bills affecting any District separately, or the tenure of Land, or the Language in Courts of Justice or Religious or Educational Institutions, to be reserved for Her Majesty's pleasure, if required by an Address of the District Council.

And be it Enacted, That if any Bill shall be passed by the Legislative Council and Assembly of the said United Province, which shall not be applicable to the whole Province, and shall affect some One or more District or Districts or other local Division of the said United Province, or if any Bill, whether local or general, shall purport to abolish or alter the tenure upon which lands are holden in any District, or shall provide for any change in the language in which justice is administered within any District, or shall, in any way affect the celebration of Divine Worship or any other religious observance, or any existing Institution for the maintenance or advancement of education or religious instruction in any District, then and in every such case the Governor of the said United Province shall reserve his assent to any such Bill for at least *Twenty-one* Days; and in case the District Council of any District affected by any such Bill as aforesaid shall, by address to the Governor within the said number of days, request him to reserve such Bill for the signification of Her Majesty's pleasure,

pleasure, the same shall be reserved accordingly; and it shall not be lawful for Her Majesty to signify Her assent to any such Bill until after the same shall have been laid before both Houses of Parliament for at least *Thirty* Days.

31. District Councils established.

And be it Enacted, That in every District of the said United Province there shall be a Representative Council, to be called the "District Council."

32. To consist of Twenty-seven Members.

And be it Enacted, That every such Council shall consist of *Twenty-seven* Members and no more, unless otherwise directed by the Legislature of the United Proviuce, under the powers vested in them by this Act.

33. First Councils to be summoned in 1842.

And be it Enacted, That the Governor of the said United Province shall by instructions signed by him, and sent to the Returning Officer of each District, authorize and require the said Returning Officer to summon a District Council to meet on some day in the year One thousand eight hundred and *Forty-two*, and at some place within the District to be mentioned in such instructions.

34. Returning Officers to issue Writs for the Election of Members of the District Council.

And be it Enacted, That every Returning Officer, receiving such instructions, shall, at least *Twenty-one* Days before the day therein appointed for the meeting of the District Council, cause proclamation to be made, summoning such Council to meet at the time and place named in the said instructions; and shall also, within the same time, issue and send to the Returning Officer of each Electoral Division, a Writ returnable within *Fourteen* Days from the date thereof, requiring him to proceed to the Election of *Three* Members, to represent the said Division in the District Council.

35. Elections to be had as in Elections for the Assembly.

And be it Enacted, That every Returning Officer shall duly execute such Writ, by giving notice of the time and place of holding the Election for Members for the District Council, in the same manner as in respect of the Election of Members for the Assembly; and that the same laws as are hereinbefore made applicable to the Election of Members for the Assembly shall apply to the Election of Members for the District Council, and to the qualification and disqualification of Members and Voters, and to the oaths to be taken by such Members and Voters respectively; but the expense of such Elections shall be provided for by the District Council out of the monies that shall be raised by them, under the powers of this Act, and so in all future Elections, until the same expenses may be otherwise provided for by the said District Council.

36. Persons elected to serve or be fined.

And be it Enacted, That every person, duly qualified, who shall be Elected a Member of any District Council, shall accept such office,

office, or shall in lieu thereof pay such fine, not exceeding the sum of *Twenty-five Pounds Sterling*, to the Treasurer of the District, as the District Council shall by any Ordinance appoint; such fine to be recovered by action or suit, to be instituted by the said Treasurer, and to be accounted for by him, as part of the District Fund: Provided, That no person shall be obliged to accept the said office, who shall be disabled by permanent infirmity of body or mind, or shall be above the age of Sixty-five Years, or shall have already served such office, or shall have paid a fine for not serving the same within Five Years from the day on which he shall be re-elected.

37. One-third of the District Councillors to vacate their seats each year.

And be it Enacted, That upon the *First day of January*, in the year One thousand eight hundred and *Forty-three*, and in every succeeding year, One-third of the complete number of Councillors in every District Council, shall vacate their seats; and that in the said year One thousand eight hundred and *Forty-three*, and in the next succeeding year, the Members who are so to vacate their seats shall be determined by lot, and thereafter those Members shall vacate their seats who have been Members for the longest time without re-election: Provided always, That every Councillor so going out of office shall be capable of being forthwith re-elected.

38. Members in 1843 and 1844 to vacate by Lot.

And be it Enacted, That in order to determine the names of the Members who are to vacate their seats as aforesaid, in the years One thousand eight hundred and *Forty-three*, and One thousand eight hundred and *Forty-four*, the Clerk of the Council, or other officer appointed for that purpose, shall, before the day appointed for the vacating of the said seats, write the name of every Member on a piece of paper, and shall fold up such piece of paper, and place the same so folded up in a glass or box, from which the names shall be drawn by any person appointed by the said Council for that purpose, and the first and other Members whose names shall be drawn in succession, shall vacate their seats until the whole number of those who are to vacate have been drawn.

39. Elections to take place yearly.

And be it Enacted, That on the *Fifteenth day of January*, One thousand eight hundred and *Forty-three*, and in every succeeding year, there shall be held an Election in each of the Electoral Divisions, for which any Member has vacated his seat in manner hereinbefore prescribed, or for which any extraordinary vacancy shall have occurred during the past year, and where the seat shall have remained vacant, and the Returning Officer is hereby authorized and required to cause such Election to take place, without any special Writ or authority for that purpose, and at the same place and in the same manner in all respects as at the last preceding Election of District Councillors, unless otherwise lawfully directed as to the place and manner of Election by the Governor of the said United Province.

And

40. Governor may direct Elections to fill extraordinary vacancies.

And be it Enacted, That if any extraordinary vacancy shall occur in the number of Councillors before the annual day of election hereinbefore appointed, it shall be lawful for the Governor of the said United Province, if he think fit (and in case the number of such extraordinary vacancies shall exceed *Six*, he is hereby required), to issue a Writ to the Returning Officer of the Division in which any such vacancy shall have occurred, directing such Returning Officer to proceed to the Election of a Member or Members to supply such vacancy, which the said Returning Officer shall proceed forthwith to do in manner hereinbefore directed in respect of other vacancies: Provided always, That if any such Writ be issued to supply any extraordinary vacancy, a Writ or Writs shall at the same time be issued to supply all the existing vacancies: Provided also, That no such Writ shall issue at any later period in any year than the *Twenty-ninth day of September;* and every Member elected on such extraordinary vacancy shall vacate his seat at the time when the person in whose room he shall have been chosen would have regularly vacated his seat, but shall be capable of immediate re-election.

41. Quarterly Meetings to be held, and such other Meetings as the Council shall appoint.

And be it Enacted, That there shall be held in each Year Four Quarterly Meetings of each of the said District Councils on such Quarter days as the said Councils respectively shall appoint, and that no previous notice need be given of such Quarterly Meetings; and in respect of all other Meetings of the said District Councils, such notice shall be given thereof, and they shall be summoned upon such requisition and in such manner, as by any Ordinance of the said Councils respectively shall be directed or appointed.

42. District Council to elect a Chairman.

And be it Enacted, That each of the said District Councils shall and may, from time to time, and so often as shall be necessary, elect a Chairman, who may be also removed by the Council; and such Chairman shall preside at all meetings of the said District Councils.

43. Chairman to have a casting Vote; Ten Members to form a quorum.

And be it Enacted, That *Ten* Members shall form a Quorum of each of the said District Councils, and that all questions shall be determined by the majority of voices of the Members present at any meeting of the District Council, other than the Chairman; and in case there shall be an equality, the Chairman shall have the casting Vote.

44. District Council may make Ordinances.

And be it Enacted, That it shall be lawful for every District Council to make Ordinances for providing a suitable Building for the meetings of the said Council, and for maintaining and regulating an effective system of Police within the said District, and for the Paving and Lighting of any Town within the said District,

and

and for the making and maintaining or improving of any new or existing Road, Street, Railway, Canal, or other convenient communications and means of transit, whether natural or artificial, for passengers, cattle, goods, or merchandize, by land or water, within the limits of the said District, and also all Bridges, Viaducts, Tunnels, Cuttings, Embankments, and other works connccted therewith, or for the stopping up, altering, or diverting of any such Road, Street, Railway, Canal, or other such communication as aforesaid, and the works connected therewith, and also for any other purpose, matter, or thing which shall be specially subjected to the direction and control of the said District Council by any Act of the Legislature of the said United Province.

45. And may raise Money.

And be it Enacted, That it shall be lawful for the said District Council to make Ordinances directing the levying and assessing and application of Monies, for effecting all or any of the purposes for which they are empowered to make Ordinances as aforesaid, either by imposing tolls and rates, to be paid in respect of any public work, and to be collected and applied as shall be directed by any such Ordinance, or by means of a rate or assessment to be assessed and levied upon real or personal property within the said District, or upon the owners or occupiers thereof in respect of such property, and to enforce the collection and payment of all such rates and tolls, or such rates and assessments as aforesaid, by reasonable penalties, and also to make Ordinances for the levying of Monies by such rate or assessment as aforesaid, and applying the same in or towards the payment of all necessary expenses incurred or estimated as likely to be incurred for the current year in respect of the local Government of the said District, either on account of the lawful expenses of Returning Officers at Elections of Members for the District Council, or the salaries of Officers, or otherwise howsoever.

46. Clerk and Treasurer to be appointed

And be it Enacted, That some proper person shall, so soon as may be after the first meeting of each District Council, in the year One thousand eight hundred and *Forty-two*, be appointed by an Ordinance of the said Council to act as Clerk of the Council, and some other person shall in like manner be appointed to act as Treasurer of the District, with such salaries respectively, and subject to such regulations as may be appointed and declared by the same or any other Ordinance of the said Council; and such Clerk and Treasurer respectively may be removed by a like Ordinance, and some other proper person appointed in their stead respectively, and so from time to time as occasion shall require.

47. Treasurer to receive and account for Monies received in the District.

And be it Enacted, That the Treasurer of each District shall receive all Monies which shall be raised under any Ordinance of the

the District Council, unless otherwise especially appropriated, and also all Monies which may at any time be directed by the Legislature of the United Province to be paid to any such Treasurer for public objects or purposes within the District, and shall apply and account for the same in manner to be directed by Ordinance of the District Council.

48. Governor may disallow Ordinances within Two Months after receiving a copy thereof.

Provided always, and be it Enacted, That a copy of every Ordinance to be made by any District Council under and by virtue of this Act, shall be transmitted by the Chairman with all convenient speed after the making of such Ordinance to the Governor of the said United Province; and it shall be lawful for the said Governor, by writing under his hand, at any time within *Two calendar Months* after receiving such copy, to certify to the said Chairman, his disallowance of any such Ordinance; and thereupon every such Ordinance shall cease to be of any effect, but unless and until so disallowed, every Ordinance to be made by the said District Council under the authority of this Act shall have the full force of law within the District: Provided also, That no Ordinance of any District Council shall be of any force or effect whatsoever, so far as it shall be repugnant to, or impede the full operation within the District of any Act of the Legislature of the United Province.

49 Legislature of United Province may alter regulations respecting District Councils.

And be it Enacted, That, any thing herein contained to the contrary notwithstanding, it shall be lawful for the Legislature of the said United Province, from time to time, by any law or laws to be for that purpose made, to make such provision as to them shall seem meet, respecting the number of the Members of any such District Council, or the mode of summoning such Council, or the issuing and return of Writs for the election of the Members thereof, or the execution of such Writs, or the election of Members of any such District Council, or the qualification and disqualification of the Members and Voters for the same, or the Oaths to be taken by such Members and Voters, or the expense of such Elections, or the Fines to be payable for persons declining to act as Members thereof, or the vacating the seats of such Members, or the times at which such Elections shall take place, or the manner of filling up extraordinary Vacancies in any such Council, or the meeting of any such Council, or the appointment of the Officers of any such Council, or the duties of any such Officers.

V. *Finance.*

50 After January, 1842, the Revenues of the Two Provinces to form a Consolidated Fund of the United Province.

And be it Enacted, That on and after the said *First day of January*, One thousand eight hundred and *Forty-two*, all and singular the duties and revenues over which the respective Legislatures of the said Provinces of Upper Canada and Lower Canada have or before the passing of the said Act of the last Session of Parliament had any power of appropriation, shall form one Consolidated Fund or Revenue

to

to be appropriated for the public service of the said United Province, except as hereinafter is specially excepted and provided, and subject to the charges hereinafter mentioned.

51. Local Revenue not to form part of the Consolidated Fund, and to be distinguished by Arbitrators.

Provided always, and be it Enacted, That the Arbitrators to be appointed as hereinafter mentioned, shall, before the *Twenty-ninth day of September*, One thousand eight hundred and *Forty-two*, ascertain and distinguish what parts and proportions of the said duties and revenues are to be taken, as forming the general duties and revenues of the said Provinces, or either of them, and as being applicable to the general public service thereof, and also what part of the said duties and revenues are derived from local rates and assessments, or at the time of such inquiry may be appropriated to any local purpose ; and the revenues derived from such local rates or assessments, or appropriated to any local purpose, shall not form part of the Consolidated Fund or Revenue of the United Province, but shall continue to be raised and applied as before, subject to any Act of the Legislature of the United Province, or Ordinance of any District Council hereby authorized to be made, under the powers and authorities in them respectively vested by this Act.

52 Arbitrators to ascertain amount of Debt chargeable on the General Revenues on the 29th September, 1842.

And be it Enacted, That the said Arbitrators shall also inquire into and ascertain the amount of Debt chargeable on the aforesaid general duties and revenues of either Province, on the said *Twenty-ninth day of September*, One thousand eight hundred and *Forty-two*, and such amount shall thenceforth he charged on the Consolidated Fund of the United Province.

53. And the amount of the Civil List at passing of this Act, which shall form a permanent charge on the Consolidated Fund.

And be it Enacted, That the said Arbitrators shall also inquire into and ascertain the total annual charge or amount which at the passing of this Act is payable by law in the said Two Provinces, or either of them, for the maintenance and support of the Governors, Judges, Attorneys, and Solicitors-general, Provincial Secretaries and Civil Secretaries thereof respectively, and for the contingencies and expenses of the several departments of the aforesaid public officers, and shall also ascertain the appropriation thereof; and such charge, when ascertained, shall, on and after the *First day of January*, One thousand eight hundred and *Forty-two*, form a permanent charge on the Consolidated Fund or Revenue of the said United Province, and shall be appropriated permanently as a Civil List for the maintenance and support of the aforesaid public officers and their several departments, and shall be applied accordingly by the Governor of the United Province acting therein under the instructions of one of Her Majesty's Principal Secretaries of State, and an account of such application shall be laid every year by the said Governor before the Legislative Council and the Assembly of the said United Province by message or otherwise.

Assembly

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

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

55. And also with payment of the salaries and expenses of the Arbitration under this Act, and expenses of Returning Officers.

And be it Enacted, That the said Consolidated Fund or Revenue shall be further charged with the payment of the lawful costs, charges and expenses of the said Arbitration, and with the lawful costs, charges and expenses of Returning Officers at Elections of Members of the Assembly, all the aforesaid costs, charges and expenses being subjected to be reviewed and audited, in such manner as shall be directed by any Act of the Legislature of the United Province.

56. The order of charges on the Consolidated Fund to be:— 1st. Expense of collection; 2d. The Civil List, and salaries and expenses charged thereon; 3d. The interest of the Debt.

And be it Enacted, That the expenses of the collection, management and receipt of the said duties and revenues shall form the First charge on the said Consolidated Fund; and that the Civil List to be ascertained as aforesaid, and such other costs, charges and expenses as are hereby charged on the said Consolidated Fund, shall form the Second charge thereon; and that the annual interest of the public Debt, to be ascertained as aforesaid, or of the Debt which may hereafter become chargeable on the Consolidated Fund of the United Province, shall form the Third charge thereon.

57. Subject to the above charges, the Consolidated Fund to be appropriated by the Provincial Legislature by Bills originating in the House of Assembly, for objects recommended by the Governor.

And be it Enacted, That subject to the several payments hereby charged on the said Consolidated Fund or Revenue, the same shall be appropriated by the Legislature of the said United Province for the public service, in such manner as they shall think proper: Provided always, That all Bills for appropriating any part of the said Consolidated Fund or Revenue, or for imposing any new tax or impost, shall originate in the House of Assembly: Provided also, That it shall not be lawful for the said House of Assembly to originate or pass any Vote, Resolution, or Bill for the appropriation of any part of the said Consolidated Fund or Revenue, or of any other tax or impost to any purpose which shall not have been first recommended by a Message of the Governor to the said House during the Session in which such Vote, Resolution or Bill shall be passed.

V. *Arbitrators'.*

58. Four Arbitrators to be appointed, Two by each Province, and to appoint an Umpire.

And be it Enacted, That for the purposes which are by this Act referred to the determination of Arbitrators, there shall be nominated and appointed *Four* Arbitrators, with all convenient speed after the *passing of this Act;* and *Two* of the said Arbitrators shall be appointed by an Act of the Legislature of the Province of Upper Canada, and the other *Two* Arbitrators shall be appointed by an Ordinance to be made by the existing Legislature of the Province of Lower Canada; and such Arbitrators shall, within *One* calendar Month after the appointment of the *Four* Arbitrators, nominate and appoint by an instrument or instruments under their hands and seals, an Umpire.

And

59. In default of such appointment, Her Majesty may appoint.

And be it Enacted, That in case such Arbitrators shall not be appointed in manner aforesaid within *Six* calendar Months after the *passing of this Act;* or in case such appointment, as aforesaid, of an Umpire shall not be made within *One* calendar Month from the appointment of all the said Arbitrators, then and in either of such cases, it shall be lawful for Her Majesty, by an instrument under Her sign manual, to appoint any person or persons, resident within the Province, in respect of which the Arbitrator or Arbitrators shall not have been appointed, to be an Arbitrator or Arbitrators, to fill up their number, and also to appoint any person, to be such Umpire as aforesaid.

60. Arbitrators may be removed.

And be it Enacted, That each of the said Arbitrators shall be liable to be removed by the party by whom any such Arbitrator shall respectively have been appointed.

61. Vacancies to be supplied.

And be it Enacted, That in case of the death, resignation, removal, or refusal to act of any of the said Arbitrators, or the death, resignation, or refusal to act of the said Umpire, another Arbitrator or Umpire shall be appointed in his stead, in the same manner and by the same parties respectively, and subject to the same restrictions as such Arbitrator so dead, resigning, removed, or refusing to act as aforesaid, or such Umpire, was originally appointed; and the place of every Arbitrator appointed by the Legislature of either Province, and also the place of an Umpire appointed by the Arbitrators, shall be filled up within *One calendar Month* of the vacancy taking place, or in default, by Her Majesty, as hereinbefore provided in the case of an original appointment.

62. Powers to Arbitrators to send for papers and records.

And be it Enacted, That the said Arbitrators shall have power to send for and examine such persons, papers and records as they shall judge necessary for their information in the matters referred to them; and that if any person shall refuse or neglect to attend the said Arbitrators, or to produce before them any papers or documents, having been duly served with reasonable notice, in writing, for that purpose, he shall forfeit and pay to the said Arbitrators the sum of *Fifty Pounds*, to be recovered by bill, plaint, or information, in any court having competent jurisdiction within the Province in which such person usually resides, to be applied towards the expenses of the said Arbitration, and to be accounted for by the said Arbitrators accordingly.

63. And examine Witnesses on Oath.

And be it Enacted, That the Witnesses to be produced before the said Arbitrators, if so required, shall and may be sworn before any of the said Arbitrators, who are hereby empowered jointly and severally to administer such Oath; and that if any person shall in any such Oath wilfully forswear himself, he shall be deemed guilty of wilful and corrupt Perjury.

64. Questions to be decided by a majority of Votes.

And be it Enacted, That all questions depending before the said Arbitratrators shall be decided by a majority of Votes, and in case of the Votes

of

of the said Arbitrators on any such question being equally divided, their said Umpire shall have a casting Vote.

65. Determination of Arbitrators final, unless Parliament address Her Majesty to the contrary.

And be it Enacted, That the adjudication and determination of the said Arbitrators or of their Umpire, in respect of the matters referred to them by this Act, shall be transmitted with all convenient speed by the said Arbitrators or Umpire respectively to one of Her Majesty's Principal Secretaries of State, in order that the same may be submitted to Her Majesty in Council; and if the same shall be respectively allowed by Her Majesty in Council, then from and immediately after such allowance (to be testified by Her Majesty's Sign Manual) every such adjudication and determination shall be binding and conclusive, and shall have the force of law in the said United Province: Provided always, That no such adjudication or determination shall be allowed by Her Majesty in Council until after the same shall have been laid before both Houses of Parliament for at least *Thirty* Days.

66. Where Sunday, Good Friday or Christmas Day intervene, all business to be done on the next day.

And be it Enacted, That wherever any act, matter or thing is by this Act directed to be done on any day, or at the expiration of any number of days, or for any number of successive days, and the day in which such matter or thing is to be done or to be continued to be done, shall happen to be a Sunday or Good Friday or Christmas Day, the same shall be done on the next succeeding day in lieu thereof.

67. Affirmation may be substituted for Oath in certain cases.

And be it Enacted, That in all cases where any Oath is required to be taken or administered by this Act, all persons who by the law of the said Provinces of Upper Canada and Lower Canada or either of them or of the United Province, are or may be permitted to make Affirmation in lieu of Oath, may substitute an Affirmation in lieu of the Oath hereby required to be taken.

VII. *General Saving of Rights.*

68. Act not to affect or empower Provincial Legislature to affect the capitulation nor any Temporal or Spiritual Rights of Ecclesiastics and Ministers of Religion.

And be it Enacted, That nothing herein contained shall affect or vary or authorize the Legislatures of the said Provinces or of the said United Province respectively, to affect or vary any of the terms of the capitulation under which the Province of Quebec was surrendered in respect of Religious Worship or the Temporal Rights and Privileges of the Ministers of Religion, or any of the Spiritual or Temporal Rights or Privileges of the Clergy of the United Church of England and Ireland, or of the Ministers of the Church of Scotland, or of any other religious profession within either of the Provinces of Upper and Lower Canada or the United Province.

69. Powers of the former Legislature, in respect to the maintenance of Religion, extended to the new Legislature.

And be it Enacted, That all such powers and functions as by the said Act of the thirty-first year of the reign of King GEORGE the Third, or by any other Act of Parliament, are vested in the Legislature of Upper Canada and Lower Canada respectively, respecting the Maintenance of Religion, or respecting any lands or funds set apart for that purpose, may, so far as the same

are

are not contrary to, or inconsistent with, the provisions of this Act, be exercised by the Legislature of the United Province, but shall nevertheless be exercised, subject to all such restrictions or provisions as are contained in or imposed by the said Act of the thirty-first year of the reign of King GEORGE the Third or by any other such Act of Parliament as aforesaid in that behalf, the said restrictions and provisions being applied to the Acts of the Legislature of the United Province in like manner as they would have been applicable to the Acts of the respective Legislatures of the said Provinces.

70. General Saving of existing laws not repugnant to this Act.

And be it Enacted, That all Laws, Statutes, and Ordinances which shall be in force on the *First day of January*, One thousand eight hundred and *Forty-two*, within the said Provinces of Upper Canada and Lower Canada, or either of them, or any part thereof respectively, shall remain and be of the same force, authority, and effect, in each of the said Provinces respectively, after their Union, as if this Act had not been made, except in so far as the same are expressly repealed or varied by this Act, or are contrary to, or inconsistent with, the provisions thereof, subject nevertheless to any alteration thereof under the powers hereby vested in the Legislature of the said United Province.

71. General Saving of the Rights of Her Majesty and of the Imperial Parliament.

And be it Enacted, That nothing in this Act contained shall affect or vary any of the Rights of Her Majesty, or of the Imperial Parliament of the United Kingdom, any further or otherwise than is hereby expressly enacted and provided.

72. In certain cases Governor of the Two Provinces may be directed to act before the Union, instead of Governor of United Province.

And be it Enacted, That wherever any matter or thing is by this Act authorized or required to be done by the Governor of the United Province, with a view to the constitution of the Legislature of the said United Province or otherwise with a view to the union of the said Provinces, it shall be lawful for Her Majesty, if she shall think proper, by instructions under her sign manual, to authorize the same matter or thing to be done by the Governor General of the Two Provinces at any time before their Union.

73. Explanations of certain words in the Act.

And be it Enacted, That whenever in this Act Her Majesty is named, the Heirs and Successors of Her Majesty shall be also implied and intended; and that whenever the Governor of the Provinces of Upper Canada and Lower Canada, or of the United Province, is named, any Lieutenant Governor or other person appointed by Her Majesty who shall for the time being preside over the Government of the said Provinces or Province, shall be also implied and intended; and that by the word "Legislature" in this Act shall be intended, the constituted authorities capable of making valid and binding laws within their respective jurisdiction, unless in any of the above Cases the construction of the Act shall plainly require the contrary.

And

74. Further interpretation of Words in the Act.

And be it Enacted, That in the interpretation of this Act, words in the singular number shall be construed as extending to the same persons or things in the plural number and the converse ; and words in the masculine gender shall be construed to include the female gender, unless the construction of the Act shall plainly require the contrary.

75. Act may be altered this Session.

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

Cullen

UPPER AND LOWER CANADA.

A

BILL

For Re-uniting the Provinces of Upper Canada and Lower Canada, and for the Government of the United Province.

(*Prepared and brought in by Lord John Russell and Mr. Labouchere.*)

Ordered, by The House of Commons, *to be Printed,* 20 *June,* 1839.

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RE-PRINTED BY ANDREW H. ARMOUR AND HEW RAMSAY, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY, FOR THE DISTRICT OF MONTREAL.

Humbly Sheweth,

That your Petitioners are deeply impressed with sentiments of gratitude for the many Blessings they enjoy under His Majesty's Government which at all times manifests the a Paternal solicitude for the welfare and happiness of its Subjects

That a marked instance of that peculiar care and attention was exhibited when the Act of the 31st Year of His late Majesty Geo: the 3rd was passed which confers on the Inhabitants of these Provinces all the Rights and Privileges of Britons and was intended to secure their future peace and prosperity and which your Petitioners duly appreciate

That your Petitioners at this present crisis when the Public mind is divided upon the important Question of now uniting the 2 Provinces under one Legislature deem it a most indispensible duty towards themselves and towards their posterity most humbly to express their Sentiments upon the expediency of the measure ~~then~~

That your Petitioners with the greatest deference conceive that the Separation of the Provinces gave to one Class of His Majesty's Subjects in this Province such a preponderating influence that the Incubile Interest has ever with the exception of the first Parliament being duly Represented in the popular Branch of the Legislature this want of due representation in the Provincial Councils have had baneful effects upon the commerce of the Country and upon its general welfare

That the prosperity and growth of this Province have likewise been further impeded by the loss of many opulent and enterprizing Emigrants who have been deterred from Settlement by the uncertain and precarious State of Real property in a country wherein as yet no Registry office exists a measure which with many municipal Regulations for useful purposes have always met with decided opposition

That the cruel indifference shown to the frequent and urgent prayers of their numerous fellow subjects of British Origin in the Townships for a full enjoyment of their Civil and political rights has been an additional discouragement to the settlement of this Province —

That a still more dangerous obstacle to its advancement threatens the Province in the want of unanimity between the different branches of the Legislature —

That in addition to these manifest disadvantages the division of the Province of Lower Canada has involved them in a serious contention with the sister Province Respecting the duties upon the importations at the Port of Quebec this difference drew the attention of the Honble House of Commons in its last Session and a remedy was provided by Arbitration but whether this remedy will prove effectual Your Petitioners most respectfully beg leave to express their doubts for them the proposed measure appears to entail upon these Provinces continual and lasting theme of discussion perpetuating discord other and more irritating collisions must inevitably accrue with time as improvement is going forward and Commerce is increasing

That these Provinces being already united by their natural position their interest and their allegiance Your Petitioners are strongly induced to believe that a union under one Legislature should necessarily follow. to consolidate their strength and resources and to secure that perfect harmony so essential to their preservation —

That sensible of the disadvantages the Provinces labours under and apprehensive of the fatal consequences arising from a conflict of rights and interests increasing as the Provinces progress Your Petitioners have viewed with unfeigned satisfaction the Proceedings of the Honble House of Commons during the last Session to afford them relief —

Wherefore to avert the impending evils if no
other more fit or expedient means should be found
advisable to be adopted to ensure the future prosperity
welfare and Peace of these Provinces also to per-
petuate their dependance upon the United Kingdom
and to remove all causes of animosity and strife
between them Your Petitioners most humbly pray
that the contemplated Bill to unite the two
Provinces under one Legislature modified as
to your wisdom and Justice shall seem meet
may pass into a Law —

and your Petitioners shall ever pray &c.

(S) by 893 Inhabitants

Toronto Dec.r 1822

The Petition from the County of Essex, York
Chatham & Argentaile —

Copy of a Petition
to the House of Lords
& House of Commons
from the Freeholders &c.
of Effingham &c.
for a Union of
the Provinces of Upper
& Lower Canada
Dec.r 1822

and Letter, Copy of
petition &c relating thereto.

Gentlemen,

We beg leave to transmit you a Petition from the Inhabitants of the Peninsula of Bonne, Miche - Isles & Argentueil to the Township of Chatham, to both Houses of the Imperial Parliament, as the Result of the Co-operation ~~of~~ to effect that most desirable of ~~publick~~ Events ~~for the Peace & Prosperity of these Provinces~~, the Union of the two Provinces under one Legislature. —

As Previous to the Receipt of your Circular of the 31st Oct last, we were under the impression that, being ~~in~~ ~~in~~ Number of British Origin, we might have been admitted to join in your Petition to express our Sentiments. — But having learnt that the measure ~~would be much more~~ might be regarded more impressive by a Petition from the Counties in our Neighbourhood, we immediately, although late in Point of Time, proceeded to carry that plan into Execution. — We should have felt ourselves much at Ease, in framing this Petition, had we ~~only~~ received ~~some~~ the first Sole-

matin from ye Committee, of the Tenor &
Spirit which you meant to have adopted.
~~And we first that altho'~~ And we trust, that
altho' it may appear we ~~may~~ have failed in giving that Colour
& Strength to the facts & Circumstances in it, ~~yet~~
~~we think, we shall~~ which might have
been thought necessary, yet ~~the Substance~~
~~& Statement of our Complaints will shew, that~~
~~no one Grievance~~ the plain all the main
Grievances which have been so long borne by Those
Persons are plainly set down, that they may serve
to support the Petn. from the City & County
of Montreal. — ~~And altho'~~ Notwithstanding
the apparent Coolness of our Expressions, ~~yet~~
~~we only think~~ our Zeal has not been the
Cause ~~and want~~ nor our Exertions the
Cause (we can
~~Cause~~ mabated) — and none ~~can more truly &~~
more ~~truly~~ & sincerely ~~desire~~ ~~the Success~~ the Petition that the
~~and the~~ our united Efforts to obtain a
Object of our Prayers may be completely obtained
(sincerely to
Success
genuine; & which every dispassionate ~~Person~~ must absolutely ~~Common~~
have a strong conviction of the Necessity of the N
~~the Occasion~~ — ~~feel more strongly~~ by the Con-
viction, how necessary it is that some
Remedy should be applied to the existing State
of things —

~~Besides In addition~~
~~We think it becomes us to inform~~
~~Committee, that in the Peculiarity of our~~
~~Situation, & the Necessities of our Colony~~
In laying this Petition before ye Committee
it would ill become us to omit informing you of
the Activity & Zeal this pursuit has excited by
the Inhabitants of British Origin in general —
for further to forward our Loyalty to forward

(We

Hanover

In one particular place (Paris Ly) the residents were
greatly impressed upon by the Patient representations
& were induced to sign the Petition - Petitions before
they had left or notice of any Petitions, principally on
the Petitioners to whom they are principally en-
titled & are thereby for their Exertions in promoting that Petition -
are Mr I W. Oldham, W W. Halliwell Esq. Executors
of the late Mr. Wildford of Hanover & Mr Smith & Mr Gentle of St. Eustatia
& Mrs. Perkins & Barrow of Argentueil -

The first two used uncommon diligence
in obtaining Signatures at New Elsinore after
Mr I W. O. former was gone the bearer of the Petition to
St Eustatia, who had by the Assistance of Mr
Smith, who permitted Mr Gentle to accom-
pany him to Chatham Argentueil & Chatham

The Petitioners are much indebted to
Mr I W. Oldham who volunteered
his services to accompany the Petitioners
Harrybart — and by Mr W. & Esq. they
proceeded to New Elsinore, & from thence to
St Eustatia —
Mr I W. O -

We cannot but particularly mention that
much is due to Particular thanks are due
to Mr I W. Oldham, who was the bearer
of the Petition to all the different Places it
was judged necessary to send it — Mr Gentle
of St Eustatia Mr with him at St Eustatia Mr Smith
& Mr Gentle who actively co-operated with him
& Solicitation, by latter Esqr
Mr I W O. to Argentueil & Chatham — at which places they were joined by Mr Esq.
Perkins & Barrow who drew particular Notice for their
unwearied Attention to the Interests of the Petitioners.

In short, we have ~~the~~ much Satisfaction in stating ~~that from the Report of Mr Mc~~ we think could have exceeded the ~~very~~ demonstrations of Approbation & Content that were expressed by ~~the~~ ~~many~~ the Inhabitants, ~~than on Application~~ in signing the Petition. —

~~The Object of~~ that the Petition was eagerly concurred in, as the ~~accomplishment~~ attainment of its object could be ~~regarded~~ considered as the Harbinger of future Peace and ~~Harmony & the other~~ their attendant future Security & Happiness to the Province, & nothing could exceed the demonstrations of Approbation & Content expressed by the Inhabitants in signing it. — Peace & Prosperity

J. McK. W
W. J. & J. McK.

30 Aug. 1822 To
Reg. re the Committee
in Rankin's Case, accompanying
Petition. —

My dear Sir

I return you the papers which you put into my hands this morng -

As I have already mention -ed the general tenor of the petition is considered very fair - but if the differences with the Lower Provinces could be more concisely stated and the inveteracy of French habits & feelings operating upon the Assembly to the prejudice of the general interests of the Colony (which is the fact) could be intro -duced - they would be considered improvements

truly Yours

S Moffatt

Saturday

That, by the Division of the Provinces, the preponderating influence was given thereby to one Class of His Majesty's Subjects, whose Habits Customs & Prejudices are so distinct from those of the other, who in whom is vested the whole mercantile Interest, that this latter has never, with the Exception of the first Parliament, been fairly represented in the popular branch of the Legislature. This Want of a representation in the Provincial Councils has had baneful Effects upon the Commerce, that main branch of the national Prosperity in all Countries. Its Interests have been neglected or

opposed, and it has been conveyed
to its own native & proper Effects,
to rise into Value & Consequence.-
~~And~~ The Prosperity & Growth of
the Law
the Province has been likewise
materially retarded, by the Loss
of many opulent & enterprizing
Emigrants, who have been deterred
from Settlement, by the uncertain
& precarious State of ~~real~~ Property,
in a Country, where as yet
no Register Offices exist; a
measure, which, with many
other useful municipal Regulation
such as Rules of Police for the
Villages in the interior, and
other useful Purposes, have
~~always~~ always met with decided
Opposition — If considerations

like these would not have driven these
desirable Settlers from among us,
the cruel Neglect & Indifference
shewn by the Legislature to the frequent & urgent
Prayers of our numerous Fellow-
Subjects in the Townships of different
Language & Habits, for the full
enjoyment of their civil & political
Rights, would alone have been
sufficient to have driven them
to other Countries from us. — To these Causes
so powerfully operating against
the Province improvements, a still
more dangerous obstacle threatens the Province, by the Want
of unanimity in the different
Branches of the Legislature — Which
may lead to a perpetual Animosity.

Déc. 1822

5

en faveur de l'Union

The Petition of the Freeholders and Others Residing in the County of Effingham, in the District of Montreal, in the Province of Lower Canada

Humbly Sheweth,

That your Petitioners are deeply impressed with sentiments of Affection and Gratitude for the many blessings and advantages they enjoy under His Majesty's Government, and at the same time gratefully acknowledge how fully sensible they are of that concern and parental solicitude which at all times manifests for the happiness and

and Welfare of its Subjects

That a marked Instance of tha

peculiar Care and attention was exhibited ~~to~~

your Petitioners, when ~~your Honorable House~~

~~passed~~ the Act of the 31st of his late most Gra-

was passed, which

-cious Majesty George the Third, ~~thereby~~ confer-

-red on the Inhabitants of these Provinces more

~~immediately~~ all the Rights and Privileges of

Britons. Conscious ~~as~~ your Petitioners are of

the ~~Good~~ most gracious - Intentions that originated this

Gift ~~to the Canadas~~, and ~~fully aware~~ with full Conviction of

~~the eminent Wisdom and Experience that~~

~~framed it to meet the wishes of every one,~~

~~and to provide against future emergencies~~

~~and difficulties; Yet time~~ ⊗ + has since that

it ~~is~~ not convey all the benefits & apparent

actions has proved, that it was not perfect.-

~~It is~~ graciously intended. Merely.

To ~~the Defects in~~ the System therein adopted,

may

was intended to confer

may be attributed, not only the retardment of this Province in developing its Resources, the political Evils ~~also existing here~~ which have paralized the Energies of the Government, but also the unhappy source of Difference with our Sister Province respecting the Duties upon Importations at the Port of Quebec. Happy indeed for the Inhabitants of both the Provinces ~~would~~ were this the only Cause of Dissension! But your Petitioners have too much to fear, lest a jealous and scrutinizing vigilance and attention now brought upon ~~this~~ the separate Rights and Interests ~~of all concerned~~, may discover more real or imaginary Causes, which may lay a Foundation for Animosities ~~which~~ that may become inextinguishable. Therefore, it is with a ~~real~~ and unfeigned satisfaction, that your Petitioners view the proceedings

of

of Your Honorable House during the [illegible]
Sessions, when to remedy all the existing [illegible]
you had it in contemplation to unite the two
Provinces under one Legislature; evincing there-
-by a further mark of that Watchfulness and
attention ever ready to discover and to admin-
-ister to the Wants and Wishes of those under
your superintendance.

That your Petitioners, at this present Crisis,
when the public mind is agitated and divided
upon this important Question ~~under your~~
~~Consideration~~, deem it a ~~sacred and~~ most in-
-dispensable duty towards themselves and towards
their Posterity, to manifest their sentiments and
most humbly to offer their representations ~~as to~~
the ~~True~~ Policy of that measure
~~the Wisdom and Justice of Your august~~ House.

~~That all the~~ And your Petitioners, ~~in~~ their
commercial and agricultural distresses, are
only

duly appreciating the motives that influenced the British Legislature in dividing the Province of Qc

in addition to those they complain of

only suffering under the same necessary and

inevitable Causes, which have produced the

like Effects in the mother Country; yet they

And of. Pet[n] feel a sense

~~cannot but imagine~~, that much alleviation

difficulties

to the pressure of their ~~misfortunes~~ might

have been afforded, had ~~every~~ each branch of

~~our Legislature~~ been guided by a Sincere

desire of acting with unanimity, and governed with

by a strict and faithful adherence to the

+

true and genuine principles of the Constitution.

The want of Cordiality in one branch of our

Legislature, and its tenacity to principles if

not unjustifiable, at least extremely uncertain

greatly

~~Can~~ added to the ~~Great~~ many

and doubtful, have ~~caused much serious~~

~~of Pet[n] have always stood~~ Injuries affecting our

Injury to the Resources and finances of this

~~which of Pet[n] have Long subsisted~~

Lower Provinces; and ~~have been the Origin~~

also

2 from the delay & the and to the ~~regular~~ regular ~~carrying~~ of the public Claims of our Sister Province for her Proportion of Duties,

of the present Contention has originated

~~existing with our Sister~~

Province ~~respecting the Duties upon Importations~~.

Amidst

amidst the Discussions of matters highly important
to the General Interest of the Empire, ~~this latter~~
~~particularly~~ particularly
~~Did~~ drew the attention of your Honorable
an uncommon
House in ~~a Married~~ and busied Sessions, &
a Remedy was provided for it by Arbitration:
but whether this Remedy will prove effi-
=cient and finally restore Harmony and
Concord, your Petitioners would most respectfully
beg leave to express their doubts. ~~To them~~ The
proposed measure appears to open a wide
field for Contention to parties already strong
imbued and prepossessed with the Justice
of their own individual Claims; to interpose
much procrastination to a ~~final~~ decision;
~~finally more ready~~
finally
and to entail a Continual and lasting
theme of Discussion upon the two Pro-
=vinces, perpetuating Jealousy and Discord.
~~Another subject of serious alarm to the Inha-~~
=bitants