

(Confidential.)

THIRD DRAFT* (OF CONFERENCE).

Dated 2nd February, 1867.

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

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. This Act may be cited as "The British North American Act, 1867."

2. The words "the Queen," shall mean Her Majesty, Her Heirs, and Successors, Sovereigns of the United Kingdom of Great Britain and Ireland.

The words "from and after the Union," shall mean from and after the day on which the proclamation, declaring the Union of the Provinces, shall take effect.

The word "Parliament" shall mean the Legislature or Parliament of the United Provinces.

The word "Legislature" shall mean the Local Legislature or Parliament of the several Provinces.

The word "Union," shall mean the Union of the Provinces of Canada, Nova Scotia, and New Brunswick.

The words "Governor General in Council," shall mean the Governor or person administering for the time being the Government of Canada, acting by and with the advice of the Privy Council thereof.

*The drafts marked respectively: "1st draft, 30th January, 1867," and "2nd draft, 31st January, 1867," are incomplete, but so far as they go contain nothing not included in this draft.

The words "Lieutenant-Governor in Council," shall mean the Lieutenant-Governor or person administering for the time being the Government of either of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, acting by and with the advice of the Executive Council thereof.

3. From and after the Union, all Acts and parts of Acts passed by the Parliament of Great Britain, the Parliament of the United Kingdom of Great Britain and Ireland, the Legislature of Upper Canada, the Legislature of Lower Canada, the Legislature of Canada, the Legislature of Nova Scotia, or the Legislature of New Brunswick, which are repugnant to or inconsistent with the provisions of this Act shall be and the same are hereby repealed: Provided always that the repeal of the said several Acts of Parliament and parts of Acts of Parliament shall not be held to revive or give any force or effect to any enactment which has, by the said Acts, or any of them, been repealed or determined.

4. It shall be lawful for the Queen with the advice of her Privy Council, to declare by proclamation that the said Provinces of Canada, Nova Scotia and New Brunswick upon, from, and after a certain day in such proclamation to be appointed, which day shall be within calendar months next after the passing of this Act, shall form and be one united dominion, under the name of the Kingdom of Canada, and thenceforth the said Provinces shall constitute and be One Kingdom under the Name aforesaid, upon, from, and after the day so appointed as aforesaid.

5. From and after the Union, Upper Canada and Lower Canada shall be severed, and each shall form a separate Province.

6. From and after the said Union, Upper Canada shall be named and known as the Province of Ontario, and Lower Canada shall be named and known as the Province of Quebec.

THE EXECUTIVE POWER.

7. The Executive Government and authority is and shall be vested in the Queen.

8. The Queen has and shall have the Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces whatsoever.

8. The Governor-General may, by instrument under the Great Seal of Canada, constitute an Executive Council, which shall be called the Privy Council of Canada, and he may from time to time appoint and remove Members thereof.

9. All powers, authorities and functions which by any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or by any Act of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick respectively, are vested in, or are authorised or required to be exercised by the respective Governors or Lieutenant-Governors of the said Provinces, with the advice, or with the advice and consent, of the Executive Council of such Provinces respectively, or in conjunction with such Executive Council, or with any number of the Members thereof, or by the said Governors or Lieutenant-Governors individually and alone, shall, in so far as the same are not repugnant to or inconsistent with the provisions of this Act, be vested in and may be exercised by the Governor-General of the Kingdom of Canada, with the advice, or with the advice and consent of, or in conjunction, as the case may require, with the Privy Council, or any Members thereof, as may be appointed by the Queen for the affairs of the Kingdom of Canada, or by the Governor-General of the Kingdom of Canada individually and alone, where the advice, consent, or concurrence of the Privy Council is not required.

THE LEGISLATIVE POWER.

10. From and after the Union, there shall be within and for the Kingdom of Canada, one General Parliament, which shall be composed of the Queen, an Upper Chamber to be called the Senate, and a House of Commons.

SENATE.

11. For the purpose of forming the Senate the Kingdom of Canada shall be considered as consisting of three Divisions :—

- (1) Ontario.
- (2) Quebec.
- (3) The Maritime Provinces of Nova Scotia and New Brunswick ;

And each Division shall have an equal representation in the Senate.

12. Ontario shall be represented in the Senate by twenty-four Members, Quebec by twenty-four Members, and the Maritime Provinces by twenty-four Members, of which Nova Scotia shall have twelve Members, and New Brunswick twelve Members.

13. For the purpose of composing the Senate, it shall be lawful for the Governor-General, before the time to be appointed for the first meeting of the Parliament of Canada, by an instrument or instruments under the Great Seal of Canada, to summon to the Senate such persons as Her Majesty may think fit, subject to the provisions of this Act ; and it shall also be lawful for the Governor-General in like manner to summon to the Senate such other person or persons as Her Majesty shall think fit, subject to the provisions of this Act, and every person who shall be so summoned shall thereby become a Member of the Senate.

QUALIFICATION FOR SENATE.

14. The Senators shall each be of the full age of thirty years, shall each be a natural born subject of the Queen, or her subject naturalized by Act of the Parliament of the United Kingdom of Great Britain and Ireland, or by an Act of any or either or one of the Legislatures of the Provinces of Canada, Upper Canada, Lower Canada, Nova Scotia, or New Brunswick, or by an Act of the Parliament of Canada hereby created, and shall each be legally or equitably seised or entitled as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised and possessed for his own use and benefit of land or tenements held in fief, franc-alleu or roture, in the Province for which he shall be appointed, of the value of four thousand dollars over and above all debts, charges, dues, and incumbrances thereon, and shall each be and continue to be worth the sum last aforesaid over and above his debts and liabilities ; and shall each also possess a continuous residence in the Province for which he is appointed, except during the time that he shall hold an office under the Government, the duties of which will require his continuous attendance at the seat of Government of Canada.

15. In the case of Quebec, each of the twenty-four Senators representing such Province shall be appointed to represent one of the twenty-four Electoral Divisions mentioned in Schedule A.

of Chapter First of the Consolidated Statutes of Canada, and such Senator shall reside or possess his qualification in the Electoral Division he is appointed to represent.

16. If any Money Bill passed by the House of Commons is rejected by the Senate for any one Session, or if any other Bill passed by the House of Commons is rejected by the Senate on three consecutive occasions, and if in such case or cases the Governor-General shall ascertain that such Bill or Bills has or have been carried by the majority of voices from two out of the three divisions of the Kingdom, then and in such case it shall be lawful for Her Majesty to create additional Members of the Senate, preserving the rule of equality between the three Divisions of Upper Canada, Lower Canada, and the Maritime Provinces.

17. In case of such increase on such vote beyond the normal number of seventy-two Members of the Senate, no additions shall thereafter be made until each section shall be represented by twenty-four Members and no more.

18. Whenever after the first appointment a vacancy in the Senate shall take place, it shall be lawful for the Governor-General, in the Queen's Name, by an instrument under the Great Seal of Canada, to summon to the said Senate a person duly qualified according to the provisions of this Act to fill such vacancy.

19. Every Senator shall hold his seat in the Senate for the term of his life, subject to the provisions of this Act.

20. If any Senator shall, for two successive Sessions of Parliament, fail to give his attendance in the Senate, or if he shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or otherwise, to any foreign Prince or Power, or shall do, concur in, or adopt any act whereby he may become a subject or a 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 cease to have any of the qualifications required by this Act, or shall become bankrupt or take the benefit of any Act relating to insolvent debtors, or become a defaulter, or be attainted of treason, or be convicted of felony or of any infamous crime, his seat in the Senate shall thereby become vacant.

21. Every Senator shall, before taking his seat, take the oath of Allegiance to The Queen before The Governor-General

or some person or persons authorised by him to make a declaration in Schedule A mentioned.

22. Any person who at the time of the Union is a Member of the Legislative Council of Canada, or of Nova Scotia, or of New Brunswick, and who may accept the office of Senator, shall, by his acceptance, be held to have vacated his seat in such Legislative Council.

23. Any Senator may, by writing under his hand, addressed to the Governor-General, resign his seat in the Senate, and thereupon such seat shall become vacant.

24. If any question respecting a vacancy in the Senate shall arise, the same shall be heard and determined by the Senate.

25. The Governor-General shall have power by an instrument under the Great Seal of the Kingdom, to appoint one Member of the Senate to be Speaker thereof, and to remove him and appoint another in his stead.

26. Subject to alteration by the Parliament of Canada, the presence of at least fifteen Members of the Senate, including the Speaker, shall be necessary to constitute a Meeting for the exercise of its powers.

27. The Speaker shall vote as other Members, and in case of an equality of votes, it shall be held that the decision is in the negative.

HOUSE OF COMMONS.

28. For the purpose of constituting the House of Commons of the Kingdom of Canada, it shall be lawful for the Governor within _____ months after the Union, 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 Canada to summon and call together a House of Commons in and for Canada.

29. The House of Commons shall consist of one hundred and eighty-one members, of whom eighty-two members shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia and New Brunswick.

30. Constituencies of Ontario.

31. Constituencies of Quebec.

32. Constituencies of Nova Scotia.

33. Constituencies of New Brunswick.

34. There shall be a General Census of the people of the Kingdom of Canada taken in the year One thousand eight hundred and seventy-one, and decennially afterwards; and immediately after the said census, and immediately after every decennial census thereafter, the representation from each Province in the House of Commons shall be re-adjusted by such authority, in such manner, and from such time, as any Act of the Parliament of Canada from time to time directs, according to the following rules:—

- (1) Lower Canada shall have the fixed Number of Sixty-five Representatives :
- (2) There shall be assigned to each of the other Provinces such a number of Representatives 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 Lower Canada (so ascertained).
- (3) In the computation of the Number of Representatives for a Province a fractional part less than one-half of the whole number requisite for entitling the Province to a Representative 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 Representatives of 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 the United Colony at the then last preceding Re-adjustment of the Number of Representatives of the Province is ascertained at the then latest Census to be diminished by One Twentieth Part or upwards.

But such re-adjustment shall not take effect until after the termination of the then existing Parliament.

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

36. 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 prorogued or dissolved by the Governor-General), and no longer.

37. For the purpose of such Re-adjustments, Quebec shall always be assigned sixty-five Members, and each of the other Provinces 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 Quebec will enjoy, according to the census then last taken by having sixty-five Members.

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

39. In computing at each decennial period the number of Members to which each Province 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.

40. The number of Members may at any time be increased, regard being had to the proportionate rights then existing.

41. Until provisions are made by the Parliament of Canada, 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 House of Assembly in the respective Provinces, and relating to the qualifications 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 elections may be continued, and relating to the trial of controverted elections, and the proceedings incident thereto, and relating to the vacating of seats of Members, and to the execution of new writs in case of any seat being vacated otherwise than by a dissolution, shall respectively apply to Elections of Members to serve in the House of Commons of Canada.

42. The Senate and House of Commons of Canada, shall be called together for the first time, at some period not later than calendar months from and after the Union.

43. The House of Commons shall, upon its first assembling, after every general election, proceed forthwith to elect one of its number to be Speaker, and in case of his death, resignation, or removal by a vote of the Commons, the said House of Commons shall forthwith proceed to elect another of their Members to be Speaker : and the Speaker so elected shall preside at all Meetings of the Commons.

44. The presence of at least Twenty Members of the House of Commons, including the Speaker, shall be necessary to constitute a Meeting of the House of Commons for the exercise of its powers, and all questions which shall arise in the Commons shall be decided by the majority of voices of such Members as shall be present, other than the Speaker ; and when the voices shall be equal, the Speaker shall have the casting vote.

45. No Senator shall be capable of being elected, or of sitting or voting as a Member of the House of Commons.

MONEY.

46. Bills for appropriating any part of the Public Revenue of Canada or for imposing any Tax or Impost shall originate in the House of Commons.

47. 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 to be adopted or passed.

ROYAL ASSENT, &C.

48. Where a Bill passed by the Houses of Parliament of Canada 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.

49. 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 The Queen's 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 signified by the Governor-General, by speech or message to the Houses of Parliament of Canada, or by proclamation, shall annul the Act from and after the day of such signification.

50. 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 Her Majesty's assent, the Governor-General signifies, by speech or message to each of the Houses of Parliament of Canada, or by proclamation, that it has received the assent of The Queen in Council: 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.

ANNUAL SESSION.

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

POWERS OF PARLIAMENT.

52. It shall be lawful for the Queen, by and with the advice and consent of the Houses of Parliament of Canada, to make laws for the peace, order, and good government of the Kingdom, and of the several Provinces, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to Provincial Legislation: and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the 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 all or any mode or system of Taxation.
4. The borrowing of money on the Public Credit.
5. Postal Service.

6. Lines of Steam or other Ships, Railways, Canals, and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province.
7. Lines of Steamships between Canada and other countries.
8. Telegraphic Communication and the incorporation of Telegraph Companies.
9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.
10. The Census and Statistics.
11. Militia—Military and Naval Service and Defence.
12. Beacons, Buoys, Light Houses, and Sable Island.
13. Navigation and Shipping.
14. Quarantine.
15. Sea Coast and Inland Fisheries.
16. Ferries between any Province and a Foreign Country, or between any two Provinces.
17. Currency and Coinage.
18. Banking—Incorporation of Banks and the issue of paper money.
19. Savings Banks.
20. Weights and Measures.
21. Bills of Exchange and Promissory Notes.
22. Interest.
23. Legal Tender.
24. Bankruptcy and Insolvency.
25. Patents of Invention and Discovery.
26. Copy Rights.
27. Indians and Lands reserved for the Indians.
28. Naturalisation and Aliens.
29. Marriage and Divorce.
30. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction but including the procedure on Criminal matters.

31. The establishment, maintenance, and management of Penitentiaries.
 32. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, and New Brunswick, and rendering uniform the procedure of all or any of the Courts in these Provinces : but any Statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature, and when so sanctioned the power of amending, altering, or repealing such laws shall thenceforward be vested in the Parliament only.
 33. Immigration.
 34. Agriculture.
 35. To establish a General Court of Appeal, and in order to the due execution of the Laws of Parliament additional Courts, when necessary.
 36. To fix and provide for the salaries and allowances of the Governors of the several Provinces, and of the Judges and all other officers of the Union and of the Superior, District, County and Recorder's Courts, and of the Admiralty Courts, in cases where the Judges thereof are paid by salaries.
 37. And also for the peace, welfare and good government of the Union respecting all matters of a general character, not specially and exclusively herein reserved for the Legislatures, and such laws shall control and supersede any laws in any wise repugnant thereto or inconsistent therewith which may have been made prior thereto : and any law made by any Legislature in pursuance of the authority hereby conferred upon it in regard to matters and subjects in which concurrent jurisdiction is hereby given to the Parliament shall, so far as the same is repugnant to or inconsistent with any Act passed by the Parliament, be null and void.
53. The Senate, or the Members thereof, and the House of Commons, or the Members thereof, are respectively to be entitled to, and shall and may exercise, as branches of the Parliament of the Kingdom of Canada, all the powers and privileges, and be subject to all the responsibilities and duties which the

House of Lords or the House of Commons of the United Kingdom of Great Britain and Ireland, or the Members thereof enjoy (as the case may be), or are subject to, except as herein provided, and except also as to the Judicial functions of the House of Lords.

54. The first Elections for Members of the House of Commons of Canada, and for Members of the Legislative Assemblies respectively of Ontario, Quebec, Nova Scotia, and New Brunswick, shall be held upon the same day, and be taken by the same Returning Officer.

REVENUES, CIVIL LIST, &c.

55. From and after the Union, all Duties and Revenues over which the respective Legislatures of the said Provinces before and at the time of the passing of this Act had, and have power of Appropriation, except such portions thereof as are by this Act reserved to the Local Governments, or raised by them in accordance with the Special powers conferred upon them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the Public Service of Canada, in the manner, and subject to the charges hereinafter mentioned.

56. The said Consolidated Revenue Fund of Canada shall be permanently charged with all 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 Parliament thereof.

57. Out of the Consolidated Revenue Fund of Canada, there shall be payable every year to Her Majesty, her heirs and successors, the sum of
for defraying the expenses of the several services and purposes named in the Schedule marked A to this Act annexed ; and during the life of The Queen, and for five years after the demise of The Queen, there shall be payable to the Queen, out of the said Consolidated Revenue Fund, a further sum of
for defraying the expense of the several services and purposes named in the Schedule marked C to this Act annexed ; the said sums of _____ to be issued by the _____
in discharge of such warrant or warrants as shall be from time to time directed to him under the Hand and Seal of the Governor-General ; and the said

shall account to the Queen for the same through the Lord High Treasurer or Lords Commissioners, of The Queen's Treasury, in such manner and form as The Queen shall be graciously pleased to direct.

58. Until altered by any Act of the Parliament of Canada, the salary of the Governor-General shall be that set against his office in the said Schedule B ; and accounts in detail of the expenditure of the said sum of
hereinbefore granted, and of every part thereof shall be laid before the Senate and House of Commons of Canada, within thirty days next after the beginning of the Session after such expenditure shall have been made.

59. During the time for which the said sum of
is payable, the same shall be accepted and taken by the Queen, by way of Civil List, instead of all territorial and other revenues now at the disposal of the Crown, arising in Canada, and three-fifths of the net produce of the said territorial and other revenues now at the disposal of the Crown within Canada shall be paid over to the account of the said Consolidated Revenue Fund ; and also during the life of The Queen, and for five years after the demise of The Queen, the remaining two-fifths of the net produce of the said territorial and other revenues now at the disposal of the Crown within Canada, shall be also paid over in like manner to the account of the said Consolidated Revenue Fund.

60. The consolidation of the duties and revenues of the said Province shall not be taken to affect the payment out of the said Consolidated Revenue Fund of any sum or sums heretofore charged upon the rates and duties already raised, levied and collected, or to be raised, levied and collected, to and for the use of Canada, for such time as shall have been appointed by the several Acts of the Legislatures of the Provinces of Canada, Nova Scotia, and New Brunswick, by which such charges were severally authorised.

61. That the expenses of the collection, management, and receipt of the said Consolidated Revenue Fund shall form the first charge thereon ; and that the annual interest of the public debt of the Provinces of New Brunswick or either of them at the time of the Union, shall form the second charge thereon ; and the said sum of
shall form the third charge thereon ; and the other charges upon

the rates and duties levied within Canada, hereinbefore reserved, shall form the sixth charge thereon, so long as such charges shall continue to be payable.

62. Subject to the several payments hereby charged on the said Consolidated Revenue Fund, the same shall be appropriated by the Parliament of Canada for the public service, in such manner as they shall think proper.

LOCAL CONSTITUTIONS.

63. For each Province of Upper Canada, Lower Canada, Nova Scotia and New Brunswick, there shall be an officer, styled the Lieutenant-Governor, to be appointed by the Governor-General in Council, under the great seal of Canada.

64. A Lieutenant-Governor shall hold office during the pleasure of the Governor-General in Council, but any Lieutenant-Governor appointed after the commencement 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 each of the Houses of Parliament within one week thereafter, if the Parliament is then sitting, and if not, then within one week after the commencement of the next sitting of the Parliament.

65. The salaries of Lieutenant-Governors shall be fixed and provided by an Act of the Parliament of Canada.

66. In each Province, the Lieutenant-Governor may, by and with the advice and consent of the Legislature, make laws in relation to matters coming within the classes of subjects next hereinafter enumerated :—

- (1) The amendment from time to time of their Constitutions except as relates to the office of Lieutenant-Governor:
- (2) Direct Taxation within the Province in order to the raising of a revenue for Provincial Purposes, including, in the case of New Brunswick, the levying, by the mode and to the extent (if any) established by Law at the Union, Dues on Timber, not being the produce of any of the Provinces other than New Brunswick:

- (3) The borrowing of money on the sole credit of the Province for Provincial Purposes:
- (4) The establishment and tenure of Provincial offices, and the appointment and payment of Provincial officers:
- (5) The management and sale of the public lands belonging to the Province:
- (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 licenses, in order to the raising of a revenue for provincial, local, or municipal purposes:
- (10) All works and undertakings:
- (11) The incorporation of Companies with exclusively Provincial objects :
- (12) The solemnisation of marriage in the Province.
- (13) Property and Civil Rights.
- (14) The administration of justice in the Province, including the constitution, maintenance, and organisation of Provincial Courts, both of Civil and Criminal Jurisdiction, and including procedure in Civil matters in those Courts.
- (15) The imposition of punishment by fine, penalty, or imprisonment for enforcing any Provincial Law made in relation to any matter coming within any of the classes of subjects enumerated in this section.

67. In each Province the Lieutenant-Governor may, by and with the consent of the Legislative Assembly, make laws in relation to Education in the Province, subject and according to the following provisions :—

- (1) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law in the Province at the Union.

- (2) All the powers, privileges, and duties at the Union by Law conferred and imposed in Upper Canada on the separate Schools and School Trustees of The Queen's Roman Catholic subjects, shall be extended to the Dissident Schools of The Queen's Protestant and Roman Catholic subjects in Lower Canada.
- (3) Where in any Province a system of separate or Dissident Schools by Law obtains or is hereafter established by the Legislature thereof, an appeal shall lie to the Governor-General in Council from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Catholic minority in relation to Education.
- (4) In case any such Provincial Law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada shall have power to make remedial Laws for the due execution of the provisions of this section and of any such decision of the Governor-General in Council.

68. From and after the Union, such portions of the duties and revenues, over which the respective Legislatures of the said Provinces, before the time of the passing of this Act, had powers of appropriation, which are by this Act reserved to the Local Governments or Legislatures ; and all duties and revenues by them hereafter raised in accordance with the special powers conferred upon them by this Act, shall form in each Province one Consolidated Revenue Fund to be appropriated for the public service of the said Province.

NOVA SCOTIA.

69. There shall be two chambers as at present styled respectively, the Legislative Council and the House of Assembly.

70. The Legislative Council shall consist of

71. The Legislative Assembly shall consist of

NEW BRUNSWICK.

72. There shall be two chambers as at present styled respectively, the Legislative Council and the House of Assembly.

73. The Legislative Council shall consist of

74. The Legislative Assembly shall consist of

LEGISLATURE OF ONTARIO.

75. There shall be one Chamber, to be styled

QUEBEC.

76. There shall be two chambers as at present styled respectively, the Legislative Council and the House of Assembly.

77. The Legislative Council shall consist of

78. The Legislative Assembly shall consist of

MISCELLANEOUS.

79. Any Act of the Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organisation of a General Court of Appeal, and of such Courts as may be deemed necessary by the Parliament of Canada.

80. Notwithstanding anything in this Act, any Act of the Parliament of Canada may from time to time make provision in relation to :—

- (1) Agriculture in all or any of the Provinces.
- (2) Immigration into all or any of the Provinces.
- (3) All works and undertakings.

And in each Province provincial laws may make provision in relation to :—

- (1) Agriculture in the Provinces.
- (2) Immigration into the Provinces.
- (3) All works and undertakings in the Province :

But any such Provincial Law shall have the force of law in and for the Province as long and so far only as it is not repugnant to any Act of the Parliament of Canada.

81. Either the English or the French language may be used by any person in the debates of the Houses of Parliament of Canada, and of the Houses of Parliament of Lower Canada, and both of these 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, and in or from all or any of the Provincial Courts of Lower Canada.

S2. It shall be lawful for the Queen at any time hereafter to admit into the Union all or any of the Colonies of Newfoundland, Prince Edward Island, or the North-Western Territory or British Columbia, on such terms and conditions as the Parliament of Canada shall deem equitable, and as shall receive the assent of Her Majesty ; and in the case of Newfoundland, Prince Edward Island and British Columbia as shall be agreed upon by their respective Legislatures ; and in the event 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, but after the admission of Prince Edward Island into the Confederation, the representation of Nova Scotia and New Brunswick in the Senate of Canada shall upon any reduction by death or otherwise to the number of Ten Members from each or either of those Provinces not be replaced beyond that number, except as hereinbefore provided ; and it shall be lawful for The Queen at any time hereafter to declare by proclamation, that any or either of the Colonies of Newfoundland, Prince Edward Island, the North-Western Territory or British Columbia, upon, from, and after a certain day in such proclamation to be appointed shall so form a portion of the Kingdom of Canada, and henceforth such Colony as the case may be, shall be and become a portion of the Kingdom, upon, from, and after the day so appointed as aforesaid, and upon such terms and conditions as may be therein expressed.

INTERCOLONIAL RAILWAY.

S3. And whereas the construction of a railway from the river St. Lawrence to the city of Halifax, in the Province of Nova Scotia, is necessary ;

And whereas it has been agreed between the Provinces that such railway shall be constructed with all convenient speed.

Be it enacted, that the General Government shall within months after the Union commence such railway, and within months thereafter complete the same.
