

**Legislative Council
(Canada).**

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B I L L**

INTITLED.

An Act to empower the Legislature of
Canada to alter the Constitution of the
Legislative Council for that Province.

(Presented by The Duke of Newcastle.)

Ordered to be printed 30th May 1854.

(137.)

Legislative Council (Canada) Bill.

ARRANGEMENT OF CLAUSES.

Power to the Legislature of Canada to alter the Constitution of the Legislative Council; Sect. 1.

Provisions of former Acts of Parliament to apply to the new Legislative Council; 2.

Power to the Legislature of Canada to vary the Provisions of the Act or Acts constituting the new Legislative Council; 3.

Power to the Legislature of Canada to vary the Property Qualification of Members of the Assembly established by 3 & 4 Vict. c. 35.; 4.

Repealing the Proviso in 3 & 4 Vict. c. 35. s. 26.; 5.

Repealing 3 & 4 Vict. c. 35. s. 42.; 6.

Interpretation; 7.



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An Act to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province.

WHEREAS an Act of the Session of Parliament holden in the Third and Fourth Years of Her Majesty, Chapter Thirty-five, "to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," provides amongst
5 other things for the Establishment of a Legislative Council in the Province of Canada, consisting of Members summoned thereto by the Governor, under the Authority of Her Majesty as therein specified: And whereas it is expedient that the Legislature of the said Province should be empowered to alter the Constitution of the said Legislative
10 Council: And whereas the said Act requires Amendment in other respect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 I. It shall be lawful for the Legislature of Canada by any Act or Acts to be hereafter for that Purpose passed, to alter the Manner of composing the Legislative Council of the said Province, and to make it consist of such Number of Members appointed or to be appointed

Power to the Legislature of Canada to alter the Constitution or

of the Legis-
lative Coun-
cil.

or elected by such Persons and in such Manner as to the said Legislature may seem fit, and to fix the Qualifications of the Persons capable of being so appointed or elected, and by such Act or Acts to make Provision, if they shall think fit, for the separate Dissolution by the Governor of the said Legislative Council and 5 Legislative Assembly respectively, and for the Purposes aforesaid to vary and repeal in such Manner as to them may seem fit all or any of the Sections and Provisions of the said recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of Canada: Provided always, 10 that any Bill or Bills which shall be passed by the present Legislative Council and Assembly of Canada for all or any of the Purposes aforesaid shall be reserved by the said Governor, unless he think fit to withhold Her Majesty's Assent thereto, for the Signification of Her Majesty's Pleasure, and shall be subject to the Enactments of the said 15 recited Act of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, Section Thirty-nine, which relate to Bills so reserved for the Signification of Her Majesty's Pleasure.

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

II. As soon as the Constitution of the Legislative Council of the Province of Canada shall have been altered under such Act or Acts 20 so assented to by Her Majesty as aforesaid, all Provisions of the said recited Act of Parliament of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, and of any other Act of Parliament now in force relating to the Legislative Council of Canada, shall be held to apply to the Legislative Council so altered, except so far as 25 such Provisions may have been varied or repealed by such Act or Acts of the Legislature of Canada so assented to as aforesaid.

Power to
the Legis-
lature of
Canada to
vary the
Provisions
of the Act
or Acts con-
stituting the
new Legisla-
tive Council.

III. It shall be lawful for the Legislature of Canada from Time to Time to vary and repeal all or any of the Provisions of the Act or Acts altering the Constitution of the said Legislative Council: Pro- 30 vided always, that any Bill for any such Purpose which shall vary the Qualification of Councillors, or the Duration of Office of such Councillors, or the Power of the Governor to dissolve the Council or Assembly, shall be reserved by the Governor for the Signification of Her Majesty's Pleasure in manner aforesaid. 35

Power to
the Legis-
lature of
Canada to
vary the
Property
Qualification
of Members
of the As-
sembly estab-
lished by
3 & 4 Vict.
c. 35.

IV. It shall be lawful for the Legislature of Canada by any Act or Acts reserved for the Signification of Her Majesty's Pleasure, and whereto Her Majesty shall have assented as herein-before provided, to vary the Property Qualification of Members of the Legislative 40 Assembly established by the recited Act of Parliament of the Third and Fourth Years of Her Majesty, Chapter Thirty-five, and any Provision of the said Act of Parliament relating thereto.

V. So

V. So much of the Twenty-sixth Section of the said recited Act of Parliament as provides that it shall not be lawful to present to the Governor of the Province of Canada for Her Majesty's Assent any Bill of the Legislative Council and Assembly of the said Province by which the Number of Representatives in the Legislative Council may be altered unless the Second and Third Reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council, and of Two Thirds of the Members for the Time being of the said Legislative Assembly respectively, and that the Assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor stating that such Bill has been so passed, is hereby repealed.

Repealing
the Proviso
in 3 & 4 Vict.
c. 35, s. 26.

VI. The Forty-second Section of the said recited Act of Parliament, providing that in certain Cases Bills of the Legislative Council and Assembly of Canada shall be laid before both Houses of Parliament of the United Kingdom, is hereby repealed; and, notwithstanding anything in the said Act of Parliament or in any other Act of Parliament contained, it shall be lawful for the Governor to declare that he assents in Her Majesty's Name to any Bill of the Legislature of Canada, or for Her Majesty to assent to any such Bill if reserved for the Signification of Her Pleasure thereon, although such Bill shall not have been laid before the said Houses of Parliament; and no Act heretofore passed or to be passed by the Legislature of Canada shall be held invalid or ineffectual by reason of the same not having been laid before the said Houses, or by reason of the Legislative Council and Assembly not having presented to the Governor such Address as by the said Act of Parliament is required.

Repealing
3 & 4 Vict.
c. 35, s. 42.

VII. And be it enacted, that in this Act the Word "Governor" is to be understood as comprehending the Governor, and in his Absence the Lieutenant Governor, or Person authorized to execute the Office or the Functions of the Governor of Canada.

Interpreta-
tion.