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No 19

CONFIDENTIAL.

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BRITISH NORTH AMERICA.

HEADS OF

A BILL

*For Union of British North American Colonies ;
and for the Government of the United Province.*

WHEREAS in the month of October 1864 persons nominated by the respective Lieutenant-Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and by the Governor of Newfoundland, met in Conference at Quebec, with the Members of the Executive Council of Canada, to consider the question of a Union of those Colonies, and to prepare a scheme to be submitted for the approval of Her Majesty the Queen :

And whereas divers Resolutions were adopted at the said Conference, and the same have been laid before both Houses of Parliament by command of Her Majesty :

And whereas the Houses of the respective Legislatures of the said Colonies have presented Addresses to Her Majesty in favour of the proposed Union :

And whereas it is expedient that Her Majesty be empowered to declare the Union of the said Colonies, or some of them, and that provision be made for the establishment, in the event of Union, of a Legislature and Executive Government, having powers over the United Province :

And whereas the arrangements consequent on the Union will necessarily be numerous and important, and it is expedient that opportunity be afforded for the mature consideration thereof, in communication with persons authorized to repre-

sent the opinions of the Legislatures and Executive Governments of the said Colonies, and for the framing of provisions for effectuating the Union, to be submitted to Her Majesty in Council for approval and confirmation :

Be it therefore enacted, &c., as follows :—

I.—*Union.*

1. It shall be lawful for Her Majesty, at any time not later than the *First* day of *December*, 1866, by Letters-Patent under the Great Seal of the United Kingdom, to declare that the following Provinces or Colonies, namely—

Canada,
Nova Scotia, and
New Brunswick,

shall be united into one Province [?], as from the time therein mentioned ; and thereupon the same shall be and they are hereby united accordingly, and shall form and be one United Province.

2. The name of the United Province shall be such as Her Majesty in Council from time to time thinks fit by Order in Council to appoint.

3. The United Province shall be composed of four several Provinces, namely—

Upper Canada,
Lower Canada,
Nova Scotia, and
New Brunswick.

II.—*Legislation.*

4. From and after the Union there shall be one Parliament for the United Province, which shall be composed (with the Governor-General) of two Houses, styled respectively the Legislative Council and the House of Commons.

5. In the Legislative Council Upper Canada and Lower Canada shall be equally represented, and Nova Scotia and New Brunswick shall each have such number of Representatives as is provided by Order in Council under this Act not exceeding together the number of the Representatives of Upper and Lower Canada severally.

6. In the House of Commons the several Provinces shall be represented in proportion to their

respective population (as determined from time to time by the official census).

7. The distribution of Representatives of the several Provinces in the House of Commons shall be readjusted according to population, at intervals of not less than nine years, according to the following rules:—

(1.) The number of Representatives assigned to Lower Canada shall always remain fixed at the number that is assigned to Lower Canada in the first instance by Order in Council under this Act.

(2.) To each Province other than Lower Canada there shall on each readjustment be assigned such a number of Representatives as will bear (as nearly as conveniently may be) the same proportion to the then population of the Province as the fixed number of the Representatives of Lower Canada bears to the then population of Lower Canada.

8. Subject to the provisions of this Act, it shall be lawful for Her Majesty, her heirs and successors, with the advice and consent of the two Houses of Parliament of the United Province, to make laws for the peace, order, and good government of the United Province and of the several Provinces.

9. All Bills for appropriating any part of the Public Revenue, or for imposing any new tax or impost shall originate in the House of Commons.

10. The House of Commons shall not originate 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 not first recommended by message of the Governor-General, during the Session in which such Vote, Resolution, Address or Bill, is passed.

11. Any Bill passed by the two Houses of Parliament may be reserved for signification of Her Majesty's pleasure.

12. Any Act passed by the Parliament shall be subject to disallowance by Her Majesty within two years.

III.—Judicature.

13. The Judges of the Superior Courts in each of the several Provinces shall be appointed by the Governor-General in Council.

The Parliament of the United Province shall fix and provide their salaries.

They shall hold their offices during good behaviour, but shall be removable on the Address of both Houses of Parliament.

IV.—*Military.*

14. The Governor-General shall be Commander-in-chief of all armed forces from time to time raised in the United Province, or in any of the several Provinces, for service by land or by water.

15. All engagements for defence entered into with Her Majesty before the Union, by or on behalf of any one or more of the several Provinces, shall be deemed to have been entered into by or on behalf of the United Province.

V.—*Seat of Government.*

16. Unless and until Her Majesty otherwise directs, the seat of Government of the United Province shall be Ottawa.

VI.—*Provincial Government and Legislation.*

17. For each of the several Provinces there shall be an Executive Officer, styled the Lieutenant-Governor [?] of the Province.

He shall be appointed by the Governor-General in Council.

The Parliament of the United Province shall fix and provide his salary.

18. For each of the several Provinces there shall be a Provincial Council.

19. In and for each of the several Provinces, the Lieutenant-Governor, with the advice and consent of the Provincial Council, may make Ordinances in relation to matters of provincial interest, coming within classes of subjects to be specified in this behalf by Order in Council.

Except as specified in Order in Council under this Act, Provincial Ordinances shall have the force of law as long and as far only as they are not repugnant to any Act of Parliament of the United Province.

VII.—*Arrangements consequent on Union.*

20. For better effectuating the Union, one of Her Majesty's Principal Secretaries of State, having regard to the spirit and scope of the said Resolutions, and to the views and wishes expressed in addresses to Her Majesty from the Houses of the respective Legislatures, and conveyed by persons authorized to represent the opinions of the Legislatures and Executive Governments of the several Colonies concerned, shall frame provisions (not being repugnant to this Act) relative to the following matters:—

(i.) With respect to the Legislative Council in the Parliament of the United Province:—

The number of the Representatives therein of the several Provinces; the mode of their appointment or election, in the first instance, and afterwards from time to time; the tenure of their seats; their qualifications and disqualifications; the mode of determination of questions respecting their seats; the appointment of the President, his tenure of office, and right to vote.

(ii.) With respect to the House of Commons in the Parliament of the United Province:—

The number of the members in the first instance; the mode and periods of re-adjustment of the number; the effect of decrease of the population of any Province relatively to the population of the United Province on any occasion of re-adjustment; the mode of dealing with fractional parts of a number representing population; the division of each Province into constituencies and the boundaries thereof, and the alteration thereof from time to time, and the distribution of the Representatives of the Province among the constituencies; the qualifications, disqualifications, and oaths of Members and Electors; the appointment of Returning Officers; their powers and duties; the proceedings at elections; the period during which elections may be continued; the trial of controverted elections and the proceedings incident thereto; the vacating of seats of Members, and the issuing and execution of new writs in case of seats vacated otherwise than by a dissolution.

(iii.) With respect to the Parliament of the United Province:—

The duration of a House of Commons, and the frequency of the sessions of Parliament.

(iv.) With respect to Judicature:—

The selection of those Judges of the Courts in the several Provinces who are appointed by the Governor-General in Council; the mode of appointment of the Judges of the Courts of Upper and Lower Canada; and the appointment and payment of the salaries of the Judges of the Court of Admiralty.

(v.) With respect to Provincial Government and Legislation:—

The mode of appointment of the Lieutenant-Governor, and the tenure of his office; the constitution of the Provincial Legislature; the alteration thereof from time to time; the classes of subjects respecting which the authority of the Provincial Legislature shall be exclusive of or concurrent with that of the Parliament of the United Province; and the duties of Provincial Courts, Judges, and Officers, in relation to the Executive Government of the United Province.

(vi.) With respect to the proceedings of Provincial Legislatures:—

The restrictions on powers of appropriation and taxation and on money votes; and the disallowance of Provincial Ordinances by the Governor-General in Council.

(vii.) With respect to public debts and property:—

The assumption by the Government of the United Province of the debts and liabilities of the several Provinces, and the transfer to the Government of the United Province of the property of the several Provinces, subject to exceptions and conditions, including annual payments by the Government of the United Province to the several Provinces, or some of them.

(viii.) With respect to the future admission of Prince Edward Island and Newfoundland into the Union:—

The time at which and the terms and conditions on which such admission may in either case be effected.

21. One of Her Majesty's Principal Secretaries of State shall submit to Her Majesty the provisions so framed by him, and the same, if and when

approved by Her Majesty in Council, and confirmed by Order in Council, shall have the force of law, as if the same had been enacted in this Act.

22. Nothing in this Act or in any Order in Council under it shall take away or abridge the power of Her Majesty, her heirs, or successors, with the advice and consent of the Houses of Parliament of the United Province, to alter or repeal any of the provisions of such Order in Council.

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