

RESOLUTIONS

To be proposed by MR. BOULTON, of Toronto, on Thursday next, the 13th June instant, relative to the Amendment of the Constitution of this Province.

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*Resolved*—That the well being of society requires, amongst other provisions to ensure security to person and property, enlightened legislation, and the faithful execution of its enactments ; respect for, and obedience to, the law ; and a ready adaptation of them to the fresh wants of a progressive society ; an impartial Administration of Justice ; adequate checks on all constituted Authorities, to prevent abuse of power, or when it has taken place to obtain its just and exemplary punishment ; and in fine the blessings of freedom in time present, and in time to come ; that the Legislative, Executive and Judicial Departments should have their distinct separate, functions better defined and determined than they are at present, in order that those to whom power is delegated, as well as the people from whom it is derived, should all readily understand what are their political duties, as well as what are their political rights, in a well ordered community, wherein deserving subjects, from any class of society, may be summoned by the free choice and election of their fellow subjects, to fill for a time high, responsible, and magisterial offices, and then merge in the mass of the people at the expiration of their trust.

*Resolved*,—That in the opinion of this House the Constitution and form of Government which would best adapt themselves to the People of this Colony are not to be looked for solely in the analogies offered by the Institutions of Great Britain, where the social condition of the people, their wants and requirements are altogether different from our own.

*Resolved*,—That this House is of opinion that an extension of the Elective System would be congenial with and better adapted to the wishes, manners and social state of the inhabitants of Canada than our present system.

*Resolved*,—That the extension of the Elective principle is not inconsistent with our allegiance to and continued connexion with, Great Britain ; experience having shewn that two of the old English Colonies of this Continent, Connecticut and Rhode Island, enjoying Constitutions under which the three branches of the Legislature were elected by the people, remained closely and affectionately connected with Great Britain for a long course of years, and were the last to enter into a confederation, and separate from Great Britain.

*Resolved*,—That Lord John Russell, Prime Minister of the British Empire, having during the present Session stated in the Imperial Parliament “ That the true way to govern British subjects in the Colonies is to allow them to “ govern themselves, that the Colonies form part of the strength of the Empire, that it is of the utmost importance “ that those supports of the Imperial authority should be retained, through which that commerce which penetrates “ every part of the Globe is maintained, that foreign relations alone excepted, they were prepared to concede to the “ Colonies the full liberty of governing themselves,” the time has arrived when such amendments in our Constitution and form of Government as are required to give satisfaction to the people of Canada may be submitted to the Imperial Government for their approval with the confident hope that if just and reasonable they will be granted.

*Resolved*, That the Government of this Colony should possess as fully and freely the right and power to do within its limits without check, control or intervention of any kind, every thing that the Imperial Government can do within the limits of the British Isles, with the exception of regulating relations with Foreign Powers—

*Resolved*,—That the following provisions for the amendment of our Constitution be referred to

with a view of considering their adaptation to the circumstances of the Canadian people, and if concurred in, to report an Address to Her Majesty and the Imperial Parliament praying that the same or such parts thereof as shall be approved of with any alterations or amendments adopted in Committee, may be incorporated into our Constitution and form part thereof.

The Legislative powers of this Province shall be vested in a Legislative Council and House of Assembly.

The Legislative Council shall consist of Members, who shall be British subjects, not less than thirty years of age, and possessed of real estate, within the Province, of the value of not less than £ lawful money of Canada, free from all incumbrances, and to be elected for years, by persons resident in this Province, possessed to their own use of real estate of the annual value of £ or who shall pay an annual rent of £ for real estate occupied by such voter.

The House of Assembly shall consist of Members possessing real estate, within the Province, of the value of not less than £ lawful money of Canada, free from all incumbrances, to be elected for years, by persons qualified as now provided by Law.

The Province shall be divided into Districts, to be called Council Districts, each of which shall choose one Councillor; the Districts to be numbered from one to inclusive; such Districts to be composed respectively of such Counties or Unions of adjacent Counties, as shall respectively decennially be found to contain as nearly as such Unions will permit an equal part of the population of the Province.

The Members of the House of Assembly shall be apportioned among the several Counties of this Province by the Legislature, as nearly as may be according to the number of their respective inhabitants, and shall be chosen by single Districts, the said Counties to be divided into Assembly Districts, and each Assembly District shall contain as nearly as may be an equal number of inhabitants, and shall consist of convenient and contiguous territory; the Members of the said House of Assembly to be re-apportioned in manner aforesaid, among the several Counties of the Province, every ten years.

The Members of the House of Assembly shall receive for their services a sum not exceeding fifteen shillings a-day, from the commencement of the Session, but such pay shall not exceed in the aggregate seventy-five pounds for per diem allowance, except in proceedings for impeachment; when convened in extra Session by the Governor, they shall receive fifteen shillings per day; they shall also receive the sum of five shillings for every ten miles they shall travel in going to and returning from their place of meeting on the most usual route. The Speaker of the Legislative Assembly shall receive an additional compensation equal to one-half of his per diem allowance as Member.

No Member of the Legislature shall receive any civil appointment within this Province from the Governor, the Governor and Legislative Council, or from the Legislature, during the term for which he shall have been elected, and all such appointments shall be void.

The Elections of Members of the Legislative Council and Legislative Assembly shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

No Bill shall be passed unless by the assent of a majority of all the Members elected to each Branch of the Legislature, and the question upon the final passage shall be taken immediately upon its third reading, and the yeas and nays entered on the Journals.

No Private or Local Bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

The Executive Power shall be vested in a Governor; a Lieutenant Governor shall be appointed at the same time.

The Governor and Lieutenant Governor shall be persons having a permanent interest in the Province, in common with its inhabitants.

The Governor shall be appointed by the Crown, for life, for a term of years, or during pleasure, or elected by the people for years; if elected by the people, no one shall be eligible who has not been five years next preceding his election a resident of the Province.

Should the Crown not appoint the Governor, the Governor and Lieutenant-Governor shall be elected at the times and places of choosing Members of the Assembly by the parties entitled to vote for such Members, the persons respectively having the highest numbers of votes for Governor and Lieutenant-Governor, shall be elected, but in case two or more shall have an equal, and the highest votes for Governor or for Lieutenant-Governor, the two Houses of the Legislature at its next annual Session shall forthwith, by joint ballot, choose one of the said persons, so having an equal and the highest number of votes for Governor or Lieutenant-Governor, but if the Lieutenant-Governor only is elected he shall be elected at the time and place, and in the manner in this section provided for the election of Governor and Lieutenant-Governor.

No person except a British born subject shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years.

The Governor shall have power to convene the Legislature (or Legislative Council only) on extraordinary occasions. He shall communicate by message to the Legislature at every Session the condition of the Province, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the Officers of the Government. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a

compensation to be established by law, which shall neither be increased nor diminished during his continuance in office.

In case of impeachment of the Governor or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the Province, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term or until the inability shall cease.

The Lieutenant Governor shall be a British born subject of not less than thirty years of age, and who shall have been a resident inhabitant of the Province five years next preceding his nomination or election. He shall be President of the Legislative Council, but shall only have a casting vote therein. If during a vacancy of the office of Governor the Lieutenant Governor shall be impeached, displaced, resign, die or become incapable of performing the duties of his office, or be absent from the Province, the President of the Legislative Council shall act as Governor until the vacancy be filled or the disability shall cease.

The Lieutenant Governor shall, while acting as such, receive a compensation which shall be fixed by law, and which shall not be increased or diminished during his continuance in office.

Every Bill which shall have passed the Legislative Council and House of Assembly shall, before it becomes law, be presented to the Governor—if he approves he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journals, and proceed to re-consider it. If after such re-consideration two-thirds of the Members present shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and if approved by two-thirds of all the Members present it shall become a Law notwithstanding the objections of the Governor. But in all such cases the votes of both Houses shall be determined by Yeas and nays, and the names of the Members voting for and against the Bill shall be entered in the Journal of each House respectively. If any Bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

The Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint a Provincial Secretary, an Inspector General, Receiver General, Commissioner of Crown Lands, two Attorneys General, one for Upper and one for Lower Canada, and a Provincial Engineer and Surveyor, who shall hold their offices for the same term as the Members of the House of Assembly, each of whom shall at stated times, during his continuance in office, receive for his services a sum not exceeding £500 per annum, and which shall not be increased or diminished during the term for which he shall have been appointed, nor shall he receive to his use any fees or perquisites of office or other compensation, but no person shall be appointed to the office of Provincial Surveyor and Engineer who is not a practical Engineer.

The Governor may require the opinion in writing of the Principal Officers in each of the Executive Departments, upon any subject relating to the Duties of their respective Offices.

The Governor shall nominate and by and with the advice and consent of the Legislative Council, shall appoint the Judges of all the Courts of Law, and all other Officers of the Province, whose appointments are not herein otherwise provided for and which shall be established by Law, but the Legislature may, by Law, vest the appointment of such inferior Officers, as they think proper, in the Governor alone, in the Courts of Law, or in the Heads of Departments.

All other Officers, except those mentioned in the last Section, and all Justices of the Peace, for the several Counties in the Province, to be nominated and appointed by the respective Municipal Councils of the different Counties in which such Officers are appointed, regard being had to the just claims of present incumbents.

The Receiver General, Inspector General, and Commissioner of Crown Lands, may be suspended from Office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next Session of the Legislature, whenever it shall appear to him that such Receiver General, Inspector General or Commissioner of Crown Lands, has in any particular violated his duty—the Governor shall appoint a competent person to discharge the duties of the Office during such suspension of the Receiver General, Inspector General or Commissioner of Crown Lands.

The House of Assembly shall have the power of impeachment by the vote of a majority of all the Members elected.

The Court for the trial of impeachment shall be composed of the President of the Legislative Council, the Members of the Legislative Council, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a Member of the Court. No Judicial Officer shall exercise his office after he shall have been impeached, until he shall have been acquitted. Before the trial of an impeachment, the Members of the Court shall take an oath or affirmation, truly and impartially to try the impeachment according to evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachments shall not extend further than to removal from office, or removal from office and disqualification to hold or enjoy any office of honor or trust, or profit under this Province, but the party impeached shall be liable to indictment and punishment according to law.

Justices of the Court of Queen's Bench, of the Common Pleas, the Chancellor or Vice Chancellor, and the Judges of the several County Courts in Upper Canada, the Justices of the Superior Courts, of the Circuit Courts, the Judges of the Court of Appeals, and the several District Judges in Lower Canada, may be removed by the concurrent resolution of both Houses of the Legislature, if two-thirds of all the members elected to the House of Assembly, and a majority of all the members elected to the Legislative Council concur therein—but no removal shall be made unless the cause thereof be entered on the Journals, nor unless the party complained of, shall have been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defence. On the question of removal the yeas and nays shall be entered on the Journals.

Justices of the Peace may be removed after due notice, and an opportunity of being heard in their defence by such County, City, or other Courts as may be prescribed by law, for causes to be assigned in the order of removal.

The Legislature shall, at its first Session, after the adoption of any Amendment of the Constitution, provide for the appointment of three Commissioners for each Province, whose duty it shall be to revise, reform, simplify, and abridge the rules and practice of pleadings, forms and proceedings of the Courts of Record of both Sections of this Province, and to report thereon to the Legislature, subject to their adoption and modification from time to time.

After paying expenses of collection, superintendence and ordinary repairs, there shall be appropriated and set apart in each fiscal year, commencing on the first day of 185 , three-fourths of the revenue of the Provincial Canals, as a fund—first, for the construction of Railroads, from the Western Frontier of this Province to the Ocean, as a means of facilitating the transport of our agricultural products to the markets of the world at all seasons of the year—and secondly, for the redemption of that part of the Provincial Debt incurred in constructing its Canals and Railroads, and the principal and income of the said sinking fund shall, after such railway communication is completed, be sacredly applied to pay the said debt incurred for such causes.

The Legislature shall not sell, lease, or otherwise dispose of any of the Canals of the Province, but they shall remain the property of the Province, and under its management, for ever.

No money shall ever be paid out of the Treasury of this Province, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such Appropriation Act, and every such law making a new appropriation, or containing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

No debt shall be hereafter contracted by or on behalf of this Province, unless such debt shall be authorized by a law for some single work or object to be distinctly specified therein, and such law shall impose and provide for the collection of a direct annual tax, to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof.

No such law shall take effect until it shall at a general election have been submitted to the people and have received a majority of all the votes cast for and against it at such election.

On the final passage of such Bill in either House of the Legislature the question shall be taken by yeas and nays to be duly entered in the Journals thereof, and shall be "shall this Bill pass and ought the same to receive the sanction of the people."

The Legislature may at any time after the approval of such law by the people if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time by law forbid the contracting of any further debt or liability under such law, but the tax imposed by such act in proportion to the debt and liability which may have been contracted in pursuance of such law shall remain in force and be irrevocable and be annually collected until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability.

The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability or for the repayment of such debt or liability and for no other purpose whatever.

No such law shall be submitted to be voted on within three months after its passing or at any general election when any other Law or Bill shall be submitted to be voted for or against.

Every law which imposes, continues or revives a tax, shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

On the final passage in either House of the Legislature of every Act which imposes continues or revives a tax or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the Province, the question shall be taken by yeas and nays which shall be duly entered on the Journals, and three-fifths of all the members elected to either House shall in all such cases be necessary to constitute a quorum therein.

Corporations may be formed under general laws, but shall not be created by special Act except in cases where in the judgment of the Legislature, the objects of the Corporation cannot be attained under general laws. All general laws and special Acts passed pursuant to this Section may be altered from time to time, or repealed.

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The Legislature shall have no power to pass any Act granting any special Charter for Banking purposes, but Corporations or associations may be formed for such purposes under general laws.

The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing Bank Notes of any description.

The political year and Legislative term shall begin on the first day of January, and the Legislature shall every year assemble on the first Tuesday in January, unless a different day shall be appointed by law.

The Governor shall nominate, and, with the consent of the Legislative Council, appoint all Militia Officers.

A Crown Prosecutor, to be called the County Attorney, shall be chosen by the Municipal Council of each County once in every three years, and as often as vacancies shall happen, and whose remuneration shall be fixed by law.

The Civil List to be surrendered to the control of the Canadian Legislature.

The Legislature may provide by law for altering and amending the Constitution from time to time.

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3d Session, 3d Parliament, 13 Victoria, 1850.

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## RESOLUTIONS

To be proposed by Mr. BOULTON, of  
Toronto, on Thursday next, the 13th  
June instant, relative to the Amend-  
ment of the Constitution of the Pro-  
vince.

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Printed by order of the Legislative Assembly.

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