

# *The British North America Acts, 1867 to 1975*

*being*

30 Victoria, Chapter 3 (dated March 29, 1867) as amended by 34-35 Victoria, c.28; 49-50 Victoria, c.35; 7 Edward VII, c.11; 5-6 George V, c.45; 20-21 George V, c.26; 3-4 George VI, c.36; 6-7 George VI, c.30; 9-10 George VI, c.63; 12-13 George VI, c.22; 12-14 George VI, c.81; 14-15 George VI, c.32; 1 Elizabeth II, c.15; 9 Elizabeth II, c.2; 13 Elizabeth II, c.73; 14 Elizabeth II, c.4; 23 Elizabeth II, c.13; and 23-24 Elizabeth II, c.28 and 53.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## SCHEDULES

# ***The British North America Act, 1867***

## **30 VICTORIA, CHAPTER 3**

An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof; and for Purposes connected therewith

[March 29, 1867]

WHEREAS the Provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom;

And whereas such a union would conduce to the welfare of the provinces and promote the interests of the British Empire;

And whereas on the establishment of the Union by authority of parliament it is expedient not only that the constitution of the legislative authority in the Dominion be provided for but also that the nature of the executive government therein be declared;

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America:

Be it therefore enacted and declared 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:

### **I. – PRELIMINARY**

#### **Short title**

**1** This Act may be cited as "*The British North America Act, 1867*".

#### **Application of provisions referring to the Queen**

**2** The provisions of this Act referring to Her Majesty the Queen extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

B.N.A. 1867, 30 Victoria, c.3, s.2.

### **II. – UNION**

#### **Declaration of union**

**3** It shall be lawful for the Queen by and with the advice of Her Majesty's most honourable Privy Council to declare by proclamation that on and after a day therein appointed not being more than six months after the passing of this Act the provinces of Canada, Nova Scotia and New Brunswick shall form and be one Dominion under the name of Canada; and on and after that day those three provinces shall form and be one Dominion under that name accordingly.

B.N.A. 1867, 30 Victoria, c.3, s.3.

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**Construction of subsequent provisions of Act**

4 The subsequent provisions of this Act shall unless it is otherwise expressed or implied commence and have effect on and after the Union, that is to say: on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same provisions unless it is otherwise expressed or implied the name Canada shall be taken to mean Canada as constituted under this Act.

B.N.A. 1867, 30 Victoria, c.3, s.4.

**Four provinces**

5 Canada shall be divided into four provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

B.N.A. 1867, 30 Victoria, c.3, s.5.

**Provinces of Ontario and Quebec**

6 The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed and shall form two separate provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.6.

**Provinces of Nova Scotia and New Brunswick**

7 The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

B.N.A. 1867, 30 Victoria, c.3, s.7.

**Decennial census**

8 In the general census of the population of Canada which is hereby required to be taken in the year one thousand eight hundred and seventy-one and in every tenth year thereafter the respective populations of the four provinces shall be distinguished.

B.N.A. 1867, 30 Victoria, c.3, s.8.

**III. – EXECUTIVE POWER****Declaration of executive power in the Queen**

9 The executive government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

B.N.A. 1867, 30 Victoria, c.3, s.9.

**Application of provisions referring to Governor General**

10 The provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada or other the chief executive officer or administrator for then time being carrying on the government of Canada on behalf and in the name of the Queen by whatever title he is designated.

B.N.A. 1867, 30 Victoria, c.3, s.10.

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**Constitution of Privy Council for Canada**

**11** There shall be a council to aid and advise in the government of Canada to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as privy councillors and members thereof may be from time to time removed by the Governor General.

B.N.A. 1867, 30 Victoria, c.3, s.11.

**All powers under Acts to be exercised by Governor General with advice of Privy Council or alone**

**12** All powers, authorities and functions which under any Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick are at the Union vested in or exercisable by the respective governors or lieutenant governors of those provinces with the advice or with the advice and consent of the respective Executive Councils thereof or in conjunction with those councils or with any number of members thereof or by those governors or lieutenant governors individually shall as far as the same continue in existence and capable of being exercised after the Union in relation to the government of Canada be vested in and exercisable by the governor general with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada or any members thereof or by the governor general individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.12.

**Application of provisions referring to Governor General in Council**

**13** The provisions of this Act referring to the Governor General in Council shall be construed as referring to the governor general acting by and with the advice of the Queen's Privy Council for Canada.

B.N.A. 1867, 30 Victoria, c.3, s.13.

**Power to Her Majesty to authorize Governor General to appoint deputies**

**14** It shall be lawful for the Queen if Her Majesty thinks fit to authorize the governor general from time to time to appoint any person or persons jointly or severally to be his deputy or deputies within any part or parts of Canada and in that capacity to exercise during the pleasure of the governor general such of the powers, authorities and functions of the governor general as the governor general deems it necessary or expedient to assign to him or them subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the governor general himself of any power, authority or function.

B.N.A. 1867, 30 Victoria, c.3, s.14.

**Command of armed forces to continue to be vested in the Queen**

**15** The command in chief of the land and naval militia and of all naval and military forces of and in Canada is hereby declared to continue and be vested in the Queen.

B.N.A. 1867, 30 Victoria, c.3, s.15.

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**Seat of government of Canada**

**16** Until the Queen directs the seat of government of Canada shall be Ottawa.

B.N.A. 1867, 30 Victoria, c.3, s.16.

## IV. – LEGISLATIVE POWER

**Constitution of Parliament of Canada**

**17** There shall be one parliament for Canada consisting of the Queen, an Upper house styled the Senate and the House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.17.

**Privileges, etc., of Houses**

**18** The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the members thereof respectively shall be such as are from time to time defined by Act of the Parliament of Canada but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof.

B.N.A. 1867, 30 Victoria, c.3, s.18.

**First session of the Parliament of Canada**

**19** The Parliament of Canada shall be called together not later than six months after the Union.

B.N.A. 1867, 30 Victoria, c.3, s.19.

**Yearly session of the Parliament of Canada**

**20** There shall be a session of the Parliament of Canada once at least in every year so that twelve months shall not intervene between the last sitting of the parliament in one session and its first sitting in the next session.

B.N.A. 1867, 30 Victoria, c.3, s.20.

**The Senate****Number of senators**

**21** The Senate shall subject to the provisions of this Act consist of seventy-two members who shall be styled senators.

B.N.A. 1867, 30 Victoria, c.3, s.21.

**Representation of provinces in Senate**

**22** In relation to the constitution of the Senate Canada shall be deemed to consist of three divisions:

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick;

which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; and the Maritime Provinces by twenty-four senators, twelve thereof representing Nova Scotia and twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four senators representing that province shall be appointed for one of the twenty-four electoral divisions of Lower Canada specified in schedule A to chapter 1 of *The Consolidated Statutes of Canada*.

B.N.A. 1867, 30 Victoria, c.3, s.22.

**Qualifications of senator**

**23** The qualification of a Senator shall be as follows:

1. He shall be of the full age of thirty years;
2. He shall be either a natural born subject of the Queen or a subject of the Queen naturalized by an Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland or of the Legislature of one of the provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick before the Union or of the Parliament of Canada after the Union;
3. He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage or seised or possessed for his own use and benefit of lands or tenements held in Franc-alieu or in Roture within the province for which he is appointed of the value of four thousand dollars over and above all rents, dues, debts, charges, mortgages and encumbrances due or payable out of or charged on or affecting the same;
4. His real and personal property shall be together worth four thousand dollars over and above his debts and liabilities;
5. He shall be resident in the province for which he is appointed;
6. In the case of Quebec he shall have his real property qualification in the electoral division for which he is appointed or shall be resident in that division.

B.N.A. 1867, 30 Victoria, c.3, s.23.

**Summons of senators**

**24** The governor general shall from time to time in the Queen's name by instrument under the Great Seal of Canada summon qualified persons to the Senate; and subject to the provisions of this Act every person so summoned shall become and be a member of the Senate and a senator.

B.N.A. 1867, 30 Victoria, c.3, s.24.



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**Summons of first body of senators**

**25** Such person shall be first summoned to the Senate as the Queen by warrant under Her Majesty's royal sign manual thinks fit to approve and their names shall be inserted in the Queen's Proclamation of Union.

B.N.A. 1867, 30 Victoria, c.3, s.25.

**Address of senators in certain cases**

**26** If at any time on the recommendation of the governor general the Queen thinks fit to direct that three or six members be added to the Senate the governor general may by summons to three or six qualified persons, as the case may be, representing equally the three divisions of Canada add to the Senate accordingly.

B.N.A. 1867, 30 Victoria, c.3, s.26.

**Reduction of Senate to normal number**

**27** In case of such addition being at any time made the governor general shall not summon any person to the Senate except on a further like direction by the Queen on the like recommendation until each of the three divisions of Canada is represented by twenty-four senators and no more.

B.N.A. 1867, 30 Victoria, c.3, s.27.

**Maximum number of senators**

**28** The number of senators shall not at any time exceed seventy-eight.

B.N.A. 1867, 30 Victoria, c.3, s.28.

**Tenure of place in Senate**

**29** A senator shall subject to the provisions of this Act hold his place in the Senate for life.

B.N.A. 1867, 30 Victoria, c.3, s.29.

**Resignation of place in Senate**

**30** A senator may by writing under his hand addressed to the governor general resign his place in the Senate and thereupon the same shall be vacant.

B.N.A. 1867, 30 Victoria, c.3, s.30.

**Disqualification of senators**

**31** The place of a senator shall become vacant in any of the following cases:

1. If for two consecutive sessions of the parliament he fails to give his attendance in the Senate;
2. If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a foreign power or does an act whereby he becomes a subject or citizen or entitled to the rights or privileges of a subject or citizen of a foreign power;
3. If he is adjudged bankrupt or insolvent or applies for the benefit of any law relating to insolvent debtors or becomes a public defaulter;
4. If he is attainted of treason or convicted of felony or of any infamous crime;

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5. If he ceases to be qualified in respect of property or of residence, provided that a senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the seat of the Government of Canada while holding an office under that government requiring his presence there.

B.N.A. 1867, 30 Victoria, c.3, s.31.

**Summons on vacancy in Senate**

32 When a vacancy happens in the Senate by resignation, death or otherwise the governor general shall by summons to a fit and qualified person fill the vacancy.

B.N.A. 1867, 30 Victoria, c.3, s.32.

**Questions as to qualifications and vacancies in Senate**

33 If any question arises respecting the qualification of a senator or a vacancy in the Senate the same shall be heard and determined by the Senate.

B.N.A. 1867, 30 Victoria, c.3, s.33.

**Appointment of Speaker of Senate**

34 The governor general may from time to time by instrument under the Great Seal of Canada appoint a senator to be Speaker of the Senate and may remove him and appoint another in his stead.

B.N.A. 1867, 30 Victoria, c.3, s.34.

**Quorum of Senate**

35 Until the Parliament of Canada otherwise provides the presence of at least fifteen senators including the speaker shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

B.N.A. 1867, 30 Victoria, c.3, s.35.

**Voting in Senate**

36 Questions arising in the Senate shall be decided by a majority of voices and the speaker shall in all cases have a vote and when the voices are equal the decision shall be deemed to be in the negative.

B.N.A. 1867, 30 Victoria, c.3, s.36.

**The House of Commons****Constitution of House of Commons in Canada**

37 The House of Commons shall subject to the provisions of this Act consist of one hundred and eighty-one members of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia and fifteen for New Brunswick.

B.N.A. 1867, 30 Victoria, c.3, s.37.

**Summoning of House of Commons**

38 The governor general shall from time to time in the Queen's name by instrument under the Great Seal of Canada summon and call together the House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.38.

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**Senators not to sit in House of Commons**

**39** A senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.39.

**Electoral districts of the four provinces**

**40** Until the Parliament of Canada otherwise provides Ontario, Quebec, Nova Scotia and New Brunswick shall for the purposes of the election of members to serve in the House of Commons be divided into electoral districts as follows:

**1. – ONTARIO**

Ontario shall be divided into the counties, ridings of counties, parts of cities, and towns enumerated in the first schedule to this Act each whereof shall be an electoral district each such district as numbered in that schedule being entitled to return one member.

**2. – QUEBEC**

Quebec shall be divided into sixty-five electoral districts, composed of the sixty-five electoral divisions into which Lower Canada is at the passing of this Act divided under chapter 2 of *The Consolidated Statutes of Canada*, chapter 75 of *The Consolidated Statutes for Lower Canada*, and *The Act of the Province of Canada of the twenty-third year of the Queen*, chapter 1, or any other Act amending the same in force at the Union so that each such electoral division shall be for the purposes of this Act an electoral district entitled to return one member.

**3. – NOVA SCOTIA**

Each of the eighteen counties of Nova Scotia shall be an electoral district. The county of Halifax shall be entitled to return two members and each of the other counties one member.

**4. – NEW BRUNSWICK**

Each of the fourteen counties into which New Brunswick is divided including the city and county of St. John shall be an electoral district. The city of St. John shall also be a separate electoral district. Each of those fifteen electoral districts shall be entitled to return one member.

B.N.A. 1867, 30 Victoria, c.3, s.40.

**Continuance of existing election laws until  
Parliament of Canada otherwise provides**

**41** Until the Parliament of Canada otherwise provides, all laws in force in the several provinces at the Union relative to the following matters or any of them, namely, the qualifications and disqualifications of persons to be elected or to sit or vote as members of the House of Assembly or Legislative Assembly in the several provinces, the voters at elections of such members, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which elections may be continued, the trial of controverted elections and proceedings incident thereto, the vacating of seats of members and the execution of new writs in case of seats vacated otherwise than by dissolution – shall respectively apply to elections of members to serve in the House of Commons for the same several provinces:

Provided that until the Parliament of Canada otherwise provides at any election for a member of the House of Commons for the district of Algoma in addition to persons qualified by the law of the Province of Canada to vote every male British subject aged twenty-one years or upwards being a householder shall have a vote.

B.N.A. 1867, 30 Victoria, c.3, s.41.

**Writs for first election**

**42** For the first election of members to serve in the House of Commons the governor general shall cause writs to be issued by such persons in such form and addressed to such returning officers as he thinks fit.

The person issuing writs under this section shall have the like powers as are possessed at the Union by the officers charged with the issuing of writs for the election of members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia or New Brunswick; and the returning officers to whom writs are directed under this section shall have the like powers as are possessed at the Union by the officers charged with the returning of writs for the election of members to serve in the same respective House of Assembly or Legislative Assembly.

B.N.A. 1867, 30 Victoria, c.3, s.42.

**As to casual vacancies**

**43** In case a vacancy in the representation in the House of Commons of any electoral district happens before the meeting of the parliament or after the meeting of the parliament before provision is made by the parliament in this behalf the provisions of the last foregoing section of this Act shall extend and apply to the issuing and returning of a writ in respect of such vacant district.

B.N.A. 1867, 30 Victoria, c.3, s.43.

**As to election of Speaker of House of Commons**

**44** The House of Commons on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be speaker.

B.N.A. 1867, 30 Victoria, c.3, s.44.

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**As to filling up vacancy in office of speaker**

**45** In case of a vacancy happening in the office of speaker by death, resignation or otherwise the House of Commons shall with all practicable speed proceed to elect another of its members to be speaker.

B.N.A. 1867, 30 Victoria, c.3, s.45.

**Speaker to preside**

**46** The speaker shall preside at all meetings of the House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.46.

**Provisions in case of absence of speaker**

**47** Until the Parliament of Canada otherwise provides in case of the absence for any reason of the speaker from the chair of the House of Commons for a period of forty-eight consecutive hours the House may elect another of its members to act as speaker, and the member so elected shall during the continuance of such absence of the speaker have and execute all the powers, privileges and duties of speaker.

B.N.A. 1867, 30 Victoria, c.3, s.47.

**Quorum of House of Commons**

**48** The presence of at least twenty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the speaker shall be reckoned as a member.

B.N.A. 1867, 30 Victoria, c.3, s.48.

**Voting in House of Commons**

**49** Questions arising in the House of Commons shall be decided by a majority of voices other than that of the speaker and when the voices are equal but not otherwise the speaker shall have a vote.

B.N.A. 1867, 30 Victoria, c.3, s.49.

**Duration of House of Commons**

**50** 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 dissolved by the governor general) and no longer.

B.N.A. 1867, 30 Victoria, c.3, s.50.

**Decennial readjustment of representation**

**51** On the completion of the census in the year one thousand eight hundred and seventy-one and of each subsequent decennial census the representation of the four provinces shall be readjusted by such authority in such manner and from such time as the Parliament of Canada from time to time provides subject and according to the following rules:

1. Quebec shall have the fixed number of sixty-five members;
2. There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixtyfive bears to the number of the population of Quebec (so ascertained);

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3. In the computation of the number of members for a province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number;

4. On any such readjustment the number of members for 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 Canada at the then last proceeding readjustment of the number of members for the province is ascertained at the then latest census to be diminished by one-twentieth part or upwards;

5. Such readjustment shall not take effect until the termination of the then existing parliament.

B.N.A. 1867, 30 Victoria, c.3, s.51.

**Increase of number of House of Commons**

**52** The number of members of the House of Commons may be from time to time increased by the Parliament of Canada provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

B.N.A. 1867, 30 Victoria, c.3, s.52.

**Money Votes; Royal Assent****Appropriation and tax Bills**

**53** Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.53.

**Recommendation of money votes**

**54** 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.

B.N.A. 1867, 30 Victoria, c.3, s.54.

**Royal assent in Bills, etc.**

**55** Where a Bill passed by the houses of parliament 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.

B.N.A. 1867, 30 Victoria, c.3, s.55.

## BRITISH NORTH AMERICA, 1867

**Disallowance by Order in Council of Acts assented to by Governor General**

**56** 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 Her Majesty'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 each of the Houses of the Parliament or by proclamation shall annul the Act from and after the day of such signification.

B.N.A. 1867, 30 Victoria, c.3, s.56.

**Signification of Queen's pleasure on Bill reserved**

**57** 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 the Queen's assent the governor general signifies by speech or message to each of the Houses of the Parliament 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.

B.N.A. 1867, 30 Victoria, c.3, s.57.

## V. – PROVINCIAL CONSTITUTIONS

**Executive Power****Appointment of Lieutenant Governors of provinces**

**58** For each province there shall be an officer styled the Lieutenant Governor appointed by the Governor General in Council by instrument under the Great Seal of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.58.

**Tenure of office of Lieutenant Governor**

**59** A lieutenant governor shall hold office during the pleasure of the governor general; 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 the Senate and to the House of Commons within one week thereafter if the parliament is then sitting and if not then within one week after the commencement of the next session of the parliament.

B.N.A. 1867, 30 Victoria, c.3, s.59.

**Salaries of Lieutenant Governors**

**60** The salaries of the lieutenant governors shall be fixed and provided by the Parliament of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.60.

## BRITISH NORTH AMERICA, 1867

**Oaths, etc., of Lieutenant Governor**

**61** Every lieutenant governor shall before assuming the duties of his office make and subscribe before the governor general or some person authorized by him oaths of allegiance and office similar to those taken by the governor general.

B.N.A. 1867, 30 Victoria, c.3, s.61.

**Application of provisions referring to Lieutenant Governor**

**62** The provisions of this Act referring to the lieutenant governor extend and apply to the lieutenant governor for the time being of each province or other the chief executive officer or administrator for the time being carrying on the government of the province by whatever title he is designated.

B.N.A. 1867, 30 Victoria, c.3, s.62.

**Appointment of executive officers for Ontario and Quebec**

**63** The executive council of Ontario and of Quebec shall be composed of such persons as the lieutenant governor from time to time thinks fit and in the first instance of the following officers, namely: the attorney general, the secretary and registrar of the province, the treasurer of the province, the commissioner of Crown lands and the commissioner of agriculture and public works within Quebec the speaker of the Legislative Council and the solicitor general.

B.N.A. 1867, 30 Victoria, c.3, s.63.

**Executive government of Nova Scotia and New Brunswick**

**64** The constitution of the executive authority in each of the Provinces of Nova Scotia and New Brunswick shall subject to the provisions of this Act continue as it exists at the Union until altered under the authority of this Act.

B.N.A. 1867, 30 Victoria, c.3, s.64.

**Powers to be exercised by Lieutenant Governor of Ontario or Quebec with advice or alone**

**65** All powers, authorities and functions which under any Act of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland or of the Legislature of Upper Canada, Lower Canada or Canada were or are before or at the Union vested in or exercisable by the respective governors or lieutenant governors of those provinces with the advice or with the advice and consent of the respective executive councils thereof or in conjunction with those councils or with any number of members thereof or by those governors or lieutenant governors individually shall as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively be vested in and shall or may be exercised by the lieutenant governor of Ontario and Quebec respectively with the advice or with the advice and consent of or in conjunction with the respective executive councils or any members thereof or by the lieutenant governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.65.



## BRITISH NORTH AMERICA, 1867

**Application of provisions referring to Lieutenant Governor in Council**

**66** The provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the lieutenant governor of the province acting by and with the advice of the Executive Council thereof.

B.N.A. 1867, 30 Victoria, c.3, s.66.

**Administration in absence, etc., of Lieutenant Governor**

**67** The Governor General in Council may from time to time appoint an administrator to execute the office and functions of lieutenant governor during his absence, illness or other inability.

B.N.A. 1867, 30 Victoria, c.3, s.67.

**Seats of provincial governments**

**68** Unless and until the executive government of any province otherwise directs with respect to that province the Seats of government of the provinces shall be as follows, namely: of Ontario, the city of Toronto; of Quebec, the city of Quebec; of Nova Scotia, the city of Halifax; and of New Brunswick, the city of Fredericton.

B.N.A. 1867, 30 Victoria, c.3, s.68.

**Legislative Power****1. – ONTARIO****Legislature for Ontario**

**69** There shall be a Legislature for Ontario consisting of the lieutenant governor and of one House styled the Legislative Assembly of Ontario.

B.N.A. 1867, 30 Victoria, c.3, s.69.

**Electoral districts**

**70** The Legislative Assembly of Ontario shall be composed of eighty-two members to be elected to represent the eighty-two electoral districts set forth in the first schedule to this Act.

B.N.A. 1867, 30 Victoria, c.3, s.70.

**2. – QUEBEC****Legislature for Quebec**

**71** There shall be a Legislature for Quebec consisting of the lieutenant governor and of two Houses styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.71.

## BRITISH NORTH AMERICA, 1867

**Constitution of Legislative Council**

**72** The Legislative Council of Quebec shall be composed of twenty-four members to be appointed by the lieutenant governor in the Queen's name by instrument under the Great Seal of Quebec, one being appointed to represent each of the twenty-four electoral divisions of Lower Canada in this Act referred to and each holding office for the term of his life unless the Legislature of Quebec otherwise provides under the provisions of this Act.

B.N.A. 1867, 30 Victoria, c.3, s.72.

**Qualification of legislative councillors**

**73** The qualifications of the Legislative Councillors of Quebec shall be the same as those of the senators for Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.73.

**Resignation, disqualification, etc.**

**74** The place of a Legislative Councillor of Quebec shall become vacant in the cases *mutatis mutandis* in which the place of senator becomes vacant.

B.N.A. 1867, 30 Victoria, c.3, s.74.

**Vacancies**

**75** When a vacancy happens in the Legislative Council of Quebec by resignation, death or otherwise the lieutenant governor in the Queen's name by instrument under the Great Seal of Quebec shall appoint a fit and qualified person to fill the vacancy.

B.N.A. 1867, 30 Victoria, c.3, s.75.

**Questions as to vacancies, etc.**

**76** If any question arises respecting the qualification of a Legislative Councillor of Quebec or a vacancy in the Legislative Council of Quebec the same shall be heard and determined by the Legislative Council.

B.N.A. 1867, 30 Victoria, c.3, s.76.

**Speaker of Legislative Council**

**77** The Lieutenant Governor may from time to time by instrument under the Great Seal of Quebec appoint a member of the Legislative Council of Quebec to be speaker thereof and may remove him and appoint another in his stead.

B.N.A. 1867, 30 Victoria, c.3, s.77.

**Quorum of Legislative Council**

**78** Until the Legislature of Quebec otherwise provides the presence of at least ten members of the Legislative Council, including the speaker, shall be necessary to constitute a meeting for the exercise of its powers.

B.N.A. 1867, 30 Victoria, c.3, s.78.

**Voting in Legislative Council**

**79** Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices and the speaker shall in all cases have a vote and when the voices are equal the decision shall be deemed to be the negative.

B.N.A. 1867, 30 Victoria, c.3, s.79.

## BRITISH NORTH AMERICA, 1867

**Constitution of Legislative Assembly of Quebec**

**80** The Legislative Assembly of Quebec shall be composed of sixty-five members to be elected to represent the sixty-five electoral divisions or districts of Lower Canada in this Act referred to subject to alteration thereof by the Legislature of Quebec:

Provided that it shall not be lawful to present to the lieutenant governor of Quebec for assent any Bill for altering the limits of any of the electoral divisions or districts mentioned in the second schedule to this Act unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the members representing all those electoral divisions or districts and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the lieutenant governor stating that it has been so passed.

B.N.A. 1867, 30 Victoria, c.3, s.80.

## 3. – ONTARIO AND QUEBEC

**First session of Legislatures**

**81** The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union.

B.N.A. 1867, 30 Victoria, c.3, s.81.

**Summoning of Legislative Assemblies**

**82** The Lieutenant Governor in Ontario and of Quebec shall from time to time in the Queen's name by instrument under the Great Seal of the province summon and call together the Legislative Assembly of the province.

B.N.A. 1867, 30 Victoria, c.3, s.82.

**Restriction on election of holders of offices**

**83** Until the Legislature of Ontario or of Quebec otherwise provides a person accepting or holding in Ontario or in Quebec any office, commission or employment, permanent or temporary, at the nomination of the lieutenant governor to which an annual salary or any fee, allowance, emolument or profit of any kind, or amount whatever from the province is attached shall not be eligible as a member of the Legislative Assembly of the respective province nor shall he sit or vote as such; but nothing in this section shall make ineligible any person being a member of the executive council of the respective province or holding any of the following offices, that is to say: the offices of attorney general, secretary and registrar of the province, treasurer of the province, commissioner of Crown lands and commissioner of agriculture and public works and in Quebec solicitor general or shall disqualify him to sit or vote in the House for which he is elected provided he is elected while holding such office.

B.N.A. 1867, 30 Victoria, c.3, s.83.

## BRITISH NORTH AMERICA, 1867

**Continuance of existing election laws**

**84** Until the Legislatures of Ontario and Quebec respectively otherwise provide all laws which at the Union are in force in those provinces respectively relative to the following matters or any of them, namely: the qualifications and disqualifications of persons to be elected or to sit or vote as members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which such elections may be continued and the trial of controverted elections and the proceedings incident thereto, the vacating of the seats of members and the issuing and execution of new writs in case of seats vacated otherwise than by dissolution shall respectively apply to elections of members to serve in the respective Legislative Assemblies of Ontario and Quebec:

Provided that until the Legislature of Ontario otherwise provides at any election for a member of the Legislative Assembly of Ontario for the district of Algoma in addition to persons qualified by the law of the Province of Canada to vote every male British subject aged twenty-one years or upwards being a householder shall have a vote.

B.N.A. 1867, 30 Victoria, c.3, s.84.

**Duration of Legislative Assemblies**

**85** Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for four years from the day of the return of the writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the lieutenant governor of the province) and no longer.

B.N.A. 1867, 30 Victoria, c.3, s.85.

**Yearly session of Legislature**

**86** There shall be a session of the Legislature of Ontario and of that of Quebec once at least in every year so that twelve months shall not intervene between the last sitting of the Legislature in each province in one session and its first sitting in the next session.

B.N.A. 1867, 30 Victoria, c.3, s.86.

**Speaker, quorum, etc.**

**87** The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say: the provisions relating to the election of a speaker originally and on vacancies, the duties of the speaker, the absence of the speaker, the quorum and the mode of vote as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

B.N.A. 1867, 30 Victoria, c.3, s.87.

## BRITISH NORTH AMERICA, 1867

## 4. – NOVA SCOTIA AND NEW BRUNSWICK

**Constitutions of Legislatures of Nova Scotia and New Brunswick**

**88** The constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall subject to the provisions of this Act continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passage of this Act shall unless sooner dissolved continue for the period for which it was elected.

B.N.A. 1867, 30 Victoria, c.3, s.88.

## 5. – ONTARIO, QUEBEC AND NOVA SCOTIA

**First elections**

**89** Each of the lieutenant governors of Ontario, Quebec and Nova Scotia shall cause writs to be issued for the first election of members of the Legislative Assembly thereof in such form and by such person as he thinks fit and at such time and addressed to such returning officer as the governor general directs and so that the first election of member of Assembly for any electoral district or any subdivision thereof shall be held at the same time and at the same places as the election for a member to serve in the House of Commons of Canada for that electoral district.

B.N.A. 1867, 30 Victoria, c.3, s.89.

## 6. – THE FOUR PROVINCES

**Application to Legislatures of provisions respecting money votes, etc.**

**90** The following provisions of this Act respecting the Parliament of Canada, namely: the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved shall extend and apply to the Legislatures of the several provinces as if those provisions were here re-enacted and made applicable in terms to the respective provinces and Legislatures thereof with the substitution of the lieutenant governor of the province for the governor general, of the governor general for the Queen and for a secretary of state, of one year for two years, and of the province for Canada.

B.N.A. 1867, 30 Victoria, c.3, s.90.

## VI. – DISTRIBUTION OF LEGISLATIVE POWERS

**Powers of the Parliament****Legislative authority of Parliament of Canada**

**91** It shall be lawful for the Queen by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, and for greater certainty but not so as to restrict the generality of the foregoing terms of this section it is hereby declared that (notwithstanding anything in this Act) the exclusive 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 any mode or system of taxation;
4. The borrowing of money on the public credit;
5. Postal service;
6. The census and statistics;
7. Militia, military and naval service and defence;
8. The fixing of and providing for the salaries and allowances of civil and other officers of the government of Canada;
9. Beacons, buoys, lighthouses and Sable Island;
10. Navigation and shipping;
11. Quarantine and the establishment and maintenance of marine hospitals;
12. Sea coast and inland fisheries;
13. Ferries between a province and any British or foreign country or between two provinces;
14. Currency and coinage;
15. Banking, incorporation of banks and the issue of paper money;
16. Savings banks;
17. Weights and measures;
18. Bills of exchange and promissory notes;
19. Interest;
20. Legal tender;
21. Bankruptcy and insolvency;
22. Patents of invention and discovery;
23. Copyrights;
24. Indians and lands reserved for the Indians;
25. Naturalization and aliens;

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- 26. Marriage and divorce;
- 27. The criminal law except the constitution of courts of criminal jurisdiction but including the procedure in criminal matters;
- 28. The establishment, maintenance and management of penitentiaries;
- 29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces.

And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces.

B.N.A. 1867, 30 Victoria, c.3, s.91.

### **Exclusive Powers of Provincial Legislatures**

#### **Subjects of exclusive provincial legislation**

**92** In each province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:

- 1. The amendment from time to time notwithstanding anything in this Act of the constitution of the province except as regards the office of lieutenant governor;
- 2. Direct taxation within the province in order to the raising of a revenue for provincial purposes;
- 3. The borrowing of money on the sole credit of the province;
- 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 and of the timber and wood thereon;
- 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 licences in order to the raising of a revenue for provincial, local or municipal purposes;
- 10. Local works and undertakings other than such as are of the following classes:
  - (a) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the province with any other or others of the provinces or extending beyond the limits of the province;
  - (b) lines of steam ships between the province and any British or foreign country;

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- (c) such works as although wholly situate within the province are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces;
11. The incorporation of companies with provincial objects;
  12. The solemnization of marriage in the province;
  13. Property and civil rights in the province;
  14. The administration of justice in the province, including the constitution, maintenance and organization of provincial courts both of civil and of criminal jurisdiction and including procedure in civil matters in those courts;
  15. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section;
  16. Generally all matters of a merely local or private nature in the province.

B.N.A. 1867, 30 Victoria, c.3, s.92.

## Education

### Legislation respecting education

**93** In and for each province the Legislature may exclusively make laws in relation to education 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 and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec;
3. Where in any province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the province 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 Roman Catholic minority of the Queen's subjects 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 may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor General in Council under this section.

B.N.A. 1867, 30 Victoria, c.3, s.93.



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**Uniformity of Laws in Ontario, Nova Scotia and New Brunswick****Legislation for uniformity of laws in three provinces**

**94** Notwithstanding anything in this Act the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick and of the procedure of all or any of the courts in those three provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall notwithstanding anything in this Act be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any province unless and until it is adopted and enacted as law by the Legislature thereof.

B.N.A. 1867, 30 Victoria, c.3, s.94.

**Agriculture and Immigration****Concurrent powers of legislation respecting agriculture, etc.**

**95** In each province the Legislature may make laws in relation to agriculture in the province and to immigration into the province and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to agriculture in all or any of the provinces and to immigration into all or any of the provinces; and any law of the Legislature of a province relative to agriculture or to immigration shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.95.

**VII. – JUDICATURE****Appointment of judges**

**96** The governor general shall appoint the judges of the superior, district and county courts in each province except those of the courts of probate in Nova Scotia and New Brunswick.

B.N.A. 1867, 30 Victoria, c.3, s.96.

**Selection of judges in Ontario, etc.**

**97** Until the laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick and the procedure of the courts in those provinces are made uniform the judges of the courts of those provinces appointed by the governor general shall be selected from the respective bars of those provinces.

B.N.A. 1867, 30 Victoria, c.3, s.97.

**Selection of judges in Quebec**

**98** The judges of the courts of Quebec shall be selected from the bar of that province.

B.N.A. 1867, 30 Victoria, c.3, s.98.

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**Tenure of office of judges of superior courts**

**99** The judges of the superior courts shall hold office during good behaviour but shall be removable by the governor general on address of the Senate and House of Commons.

B.N.A. 1867, 30 Victoria, c.3, s.99.

**Salaries, etc., of judges**

**100** The salaries, allowances and pensions of the judges of the superior, district and county courts (except the courts of probate in Nova Scotia and New Brunswick) and of the admiralty courts in cases where the judges thereof are for the time being paid by salary shall be fixed and provided by the Parliament of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.100.

**General court of appeal, etc.**

**101** The Parliament of Canada may notwithstanding anything in this Act from time to time provide for the constitution, maintenance and organization of a general court of appeal for Canada and for the establishment of any additional courts for the better administration of the laws of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.101.

## VIII. – REVENUES, DEBTS, ASSETS, TAXATION

**Creation of consolidated revenue fund**

**102** All duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have power of appropriation except such portions thereof as are by this Act reserved to the respective Legislatures of the provinces or are raised by them in accordance with the special powers conferred on 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 in this Act provided.

B.N.A. 1867, 30 Victoria, c.3, s.102.

**Expenses of collection, etc.**

**103** The consolidated revenue fund of Canada shall be permanently charged with the costs, charges and expenses incident to the collection, management and receipt thereof and the same shall form the first charge thereon subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.

B.N.A. 1867, 30 Victoria, c.3, s.103.

**Interest of provincial public debts**

**104** The annual interest of the public debts of the several Provinces of Canada, Nova Scotia and New Brunswick at the Union shall form the second charge on the consolidated revenue fund of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.104.

## BRITISH NORTH AMERICA, 1867

**Salary of Governor General**

**105** Unless altered by the Parliament of Canada the salary of the governor general shall be ten thousand pounds sterling money of the United Kingdom of Great Britain and Ireland payable out of the consolidated revenue fund of Canada and the same shall from the third charge thereon.

B.N.A. 1867, 30 Victoria, c.3, s.105.

**Appropriation from time to time**

**106** Subject to the several payments by this Act charged on the consolidated revenue fund of Canada the same shall be appropriated by the Parliament of Canada for the public service.

B.N.A. 1867, 30 Victoria, c.3, s.106.

**Transfer of stocks, etc.**

**107** All stocks, cash, banker's balances and securities for money belonging to each province at the time of the Union except as in this Act mentioned shall be the property of Canada and shall be taken in reduction of the amount of the respective debts of the provinces at the Union.

B.N.A. 1867, 30 Victoria, c.3, s.107.

**Transfer of property in schedule**

**108** The public works and property of each province enumerated in the third schedule to this Act shall be the property of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.108.

**Property in lands, mines, etc.**

**109** All lands, mines, minerals and royalties belonging to the several provinces of Canada, Nova Scotia and New Brunswick at the Union and all sums then due or payable for such lands, mines, minerals or royalties shall belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise subject to any trusts existing in respect thereof and to any interest other than that of the province in the same.

B.N.A. 1867, 30 Victoria, c.3, s.109.

**Assets connected with provincial debts**

**110** All assets connected with such portions of the public debt of each province as are assumed by that province shall belong to that province.

B.N.A. 1867, 30 Victoria, c.3, s.110.

**Canada to be liable for provincial debts**

**111** Canada shall be liable for the debts and liabilities of each province existing at the Union.

B.N.A. 1867, 30 Victoria, c.3, s.111.

**Debts of Ontario and Quebec**

**112** Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union sixty-two million five hundred thousand dollars and shall be charged with interest at the rate of five per centum per annum thereon.

B.N.A. 1867, 30 Victoria, c.3, s.112.

## BRITISH NORTH AMERICA, 1867

**Assets of Ontario and Quebec**

**113** The assets enumerated in the fourth schedule to this Act belonging at the Union to the Province of Canada shall be the property of Ontario and Quebec conjointly.

B.N.A. 1867, 30 Victoria, c.3, s.113.

**Debt of Nova Scotia**

**114** Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union eight million dollars and shall be charged with interest at the rate of five per centum per annum thereon.

B.N.A. 1867, 30 Victoria, c.3, s.114.

**Debt of New Brunswick**

**115** New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union seven million dollars and shall be charged with interest at the rate of five per centum per annum thereon.

B.N.A. 1867, 30 Victoria, c.3, s.115.

**Payment of interest to Nova Scotia and New Brunswick**

**116** In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to eight million and seven million dollars respectively they shall respectively receive by half-yearly payments in advance from the government of Canada interest at five per centum per annum on the difference between the actual amount of their respective debts and such stipulated amounts.

B.N.A. 1867, 30 Victoria, c.3, s.116.

**Provincial public property**

**117** The several provinces shall retain all their respective public property not otherwise disposed of in this Act subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

B.N.A. 1867, 30 Victoria, c.3, s.117.

**Grants to provinces**

**118** The following sums shall be paid yearly by Canada to the several provinces for the support of their governments and Legislatures:

Dollars.

Ontario ..... Eighty thousand.

Quebec ..... Seventy thousand.

Nova Scotia.....Sixty thousand.

New Brunswick ..... Fifty thousand.

Two hundred and sixty thousand;

## BRITISH NORTH AMERICA, 1867

and an annual grant in aid of each province shall be made equal to eighty cents per head of the population as ascertained by the census of one thousand eight hundred and sixty-one and in the case of Nova Scotia and New Brunswick by each subsequent decennial census until the population of each of those two provinces amounts to four hundred thousand souls at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada and shall be paid half yearly in advance to each province; but the government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in this Act.

B.N.A. 1867, 30 Victoria, c.3, s.118.

**Further grant to New Brunswick**

**119** New Brunswick shall receive by half yearly payments in advance from Canada for the period of ten years from the Union an additional allowance of sixty-three thousand dollars per annum; but as long as the public debt of that province remains under seven million dollars a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of sixty-three thousand dollars.

B.N.A. 1867, 30 Victoria, c.3, s.119.

**Form of payments**

**120** All payments to be made under this Act or in discharge of liabilities created under any Act of the provinces of Canada, Nova Scotia and New Brunswick respectively and assumed by Canada shall until the Parliament of Canada otherwise directs be made in such form and manner as may from time to time be ordered by the Governor General in Council.

B.N.A. 1867, 30 Victoria, c.3, s.120.

**Canadian manufactures, etc.**

**121** All articles of the growth, produce or manufacture of any one of the provinces shall from and after the Union be admitted free into each of the other provinces.

B.N.A. 1867, 30 Victoria, c.3, s.121.

**Continuance of customs and excise laws**

**122** The customs and excise laws of each province shall subject to the provisions of this Act continue in force until altered by the Parliament of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.122.

**Exportation and importation as between two provinces**

**123** Where customs duties are at the Union leviable on any goods, wares or merchandises in any two provinces those goods, wares and merchandises may from and after the Union be imported from one of those provinces into the other of them on proof of payment of the customs duty leviable thereon in the province of exportation and on payment of such further amount, if any, of customs duty as is leviable thereon in the province of importation.

B.N.A. 1867, 30 Victoria, c.3, s.123.

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**Lumber dues in New Brunswick**

**124** Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in chapter 15 of title 3 of the Revised Statutes of New Brunswick or in any Act amending that Act before or after the Union and not increasing the amount of such dues; but the lumber of any of the provinces other than New Brunswick shall not be subject to such dues.

B.N.A. 1867, 30 Victoria, c.3, s.124.

**Exemption of public lands, etc.**

**125** No lands or property belonging to Canada or any province shall be liable to taxation.

B.N.A. 1867, 30 Victoria, c.3, s.125.

**Provincial consolidated revenue fund**

**126** Such portions of the duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the provinces and all duties and revenues raised by them in accordance with the special powers conferred upon them by this Act shall in each province form one consolidated revenue fund to be appropriated for the public service of the province.

B.N.A. 1867, 30 Victoria, c.3, s.126.

## IX. – MISCELLANEOUS PROVISIONS

**General****As to legislative councillors of provinces becoming senators**

**127** If any person being at the passing of this Act a member of the Legislative Council of Canada, Nova Scotia or New Brunswick to whom a place in the Senate is offered does not within thirty days thereafter by writing under his hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick, as the case may be, accept the same he shall be deemed to have declined the same; and any person who being at the passing of this Act a member of the Legislative Council of Nova Scotia or New Brunswick accepts a place in the Senate shall thereby vacate his seat in such Legislative Council.

B.N.A. 1867, 30 Victoria, c.3, s.127.

**Oath of allegiance, etc.**

**128** Every member of the Senate or House of Commons of Canada shall before taking his seat therein take and subscribe before the governor general or some person authorized by him and every member of a Legislative Council or Legislative Assembly of any province shall before taking his seat therein take and subscribe before the lieutenant governor of the province or some person authorized by him the oath of allegiance contained in the fifth schedule to this Act; and every member of the Senate of Canada and every member of the Legislative Council of Quebec shall also before taking his seat therein take and subscribe before the governor general or some person authorized by him the declaration of qualification contained in the same schedule.

B.N.A. 1867, 30 Victoria, c.3, s.128.

## BRITISH NORTH AMERICA, 1867

**Continuance of existing laws, courts, officers, etc.**

**129** Except as otherwise provided by this Act all laws in force in Canada, Nova Scotia or New Brunswick at the Union and all courts of civil and criminal jurisdiction and all legal commissions, powers and authorities and all officers, judicial, administrative and ministerial existing therein at the Union shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the respective province according to the authority of the Parliament or of that Legislature under this Act.

B.N.A. 1867, 30 Victoria, c.3, s.129.

**Transfer of officers to Canada**

**130** Until the Parliament of Canada otherwise provides all officers of the several provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces shall be officers of Canada and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities and penalties as if the Union had not been made.

B.N.A. 1867, 30 Victoria, c.3, s.130.

**Appointment of new officers**

**131** Until the Parliament of Canada otherwise provides the Governor General in Council may from time to time appoint such officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

B.N.A. 1867, 30 Victoria, c.3, s.131.

**Treaty obligations**

**132** The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof as part of the British Empire towards foreign countries arising under treaties between the Empire and such foreign countries.

B.N.A. 1867, 30 Victoria, c.3, s.132.

**Use of English and French languages**

**133** Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those 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 established under this Act and in or from all or any of the courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

B.N.A. 1867, 30 Victoria, c.3, s.133.

## **Ontario and Quebec**

### **Appointment of executive officers for Ontario and Quebec**

**134** Until the Legislature of Ontario or of Quebec otherwise provides the lieutenant governors of Ontario and Quebec may each appoint under the Great Seal of the province the following officers to hold office during pleasure, that is to say: the attorney general, the secretary and registrar of the province, the treasurer of the province, the commissioner of Crown lands and the commissioner of agriculture and public works and in the case of Quebec the solicitor general and may by order of the Lieutenant Governor in Council from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong and of the officers and clerks thereof; and may also appoint other and additional officers to hold office during pleasure and may from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong and of the officers and clerks thereof.

B.N.A. 1867, 30 Victoria, c.3, s.134.

### **Powers, duties, etc., of executive officers**

**135** Until the Legislature of Ontario or Quebec otherwise provides all rights, powers, duties, functions, responsibilities or authorities at the passing of this Act vested in or imposed on the attorney general, solicitor general, secretary and registrar of the Province of Canada, minister of finance, commissioner of Crown lands, commissioner of public works and minister of agriculture and receiver general by any law, Statute or Ordinance of Upper Canada, Lower Canada or Canada and not repugnant to this Act shall be vested in or imposed on any officer to be appointed by the lieutenant governor for the discharge of the same or any of them; and the commissioner of agriculture and public works shall perform the duties and functions of the office of minister of agriculture at the passing of this Act imposed by the law of the Province of Canada as well as those of the commissioner of public works.

B.N.A. 1867, 30 Victoria, c.3, s.135.

### **Great Seals**

**136** Until altered by the Lieutenant Governor in Council the Great Seals of Ontario and Quebec respectively shall be the same or of the same design as those used in the provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

B.N.A. 1867, 30 Victoria, c.3, s.136.

### **Construction of temporary Acts**

**137** The words “and from thence to the end of the then next ensuing session of the Legislature” or words to the same effect used in any temporary Act of the Province of Canada not expired before the Union shall be construed to extend and apply to the next session of the Parliament of Canada if the subject matter of the Act is within the powers of the same as defined by this Act or to the next sessions of the Legislatures of Ontario and Quebec respectively if the subject matter of the Act is within the powers of the same as defined by this Act.

B.N.A. 1867, 30 Victoria, c.3, s.137.



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**As to errors in names**

**138** From and after the Union the use of the words “Upper Canada” instead of “Ontario” or “Lower Canada” instead of “Quebec” in any deed, writ, process, pleading, document, matter or thing shall not invalidate the same.

B.N.A. 1867, 30 Victoria, c.3, s.138.

**As to issue of proclamations before union to commence after union**

**139** Any proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union whether relating to that province or to Upper Canada or to Lower Canada and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union has not been made.

B.N.A. 1867, 30 Victoria, c.3, s.139.

**As to issue of proclamations after union**

**140** Any proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada whether relating to that province or to Upper Canada or to Lower Canada and which is not issued before the Union may be issued by the Lieutenant Governor of Ontario or of Quebec as its subject matter requires under the Great Seal thereof; and from and after the issue of such proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

B.N.A. 1867, 30 Victoria, c.3, s.140.

**Penitentiary**

**141** The penitentiary of the Province of Canada shall until the Parliament of Canada otherwise provides be and continue the penitentiary of Ontario and of Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.141.

**Arbitration respecting debts, etc.**

**142** The division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the government of Ontario, one by the government of Quebec and one by the government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the government of Canada shall not be a resident either in Ontario or in Quebec.

B.N.A. 1867, 30 Victoria, c.3, s.142.

**Division of records**

**143** The Governor General in Council may from time to time order that such and so many of the records, books and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec and the same shall thenceforth be the property of that province; and any copy thereof or extract therefrom duly certified by the officer having charge of the original thereof shall be admitted as evidence.

B.N.A. 1867, 30 Victoria, c.3, s.143.

## BRITISH NORTH AMERICA, 1867

**Constitution of townships in Quebec**

**144** The Lieutenant Governor of Quebec may from time to time by proclamation under the Great Seal of the province to take effect from a day to be appointed therein constitute townships in those parts of the province of Quebec in which townships are not then already constituted and fix the metes and bounds thereof.

B.N.A. 1867, 30 Victoria, c.3, s.144.

## X. – INTERCOLONIAL RAILWAY

**Duty of government and Parliament of Canada to make railway herein described**

**145** Inasmuch as the Provinces of Canada, Nova Scotia and New Brunswick have joined in a declaration that the construction of the Intercolonial railway is essential to the consolidation of the Union of British North America and to the assent thereto of Nova Scotia and New Brunswick and have consequently agreed that provision should be made for its immediate construction by the government of Canada; therefore in order to give effect to that agreement it shall be the duty of the government and Parliament of Canada to provide for the commencement within six months after the Union, of a railway connecting the river St. Lawrence with the city of Halifax in Nova Scotia and for the construction thereof without intermission and the completion thereof with all practicable speed.

B.N.A. 1867, 30 Victoria, c.3, s.145.

## XI. – ADMISSION OF OTHER COLONIES

**Power to admit Newfoundland, etc., into the union**

**146** It shall be lawful for the Queen by and with the advice of Her Majesty's most honourable Privy Council on addresses from the Houses of the Parliament of Canada and from the Houses of the respective Legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia to admit those colonies or provinces or any of them into the Union and on address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory or either of them into the Union on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

B.N.A. 1867, 30 Victoria, c.3, s.146.

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**As to representation of Newfoundland and Prince Edward Island in Senate**

**147** In case of the admission of Newfoundland and Prince Edward Island or either or them each shall be entitled to a representation in the Senate of Canada of four members and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be seventy-six and their maximum number shall eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the three divisions into which Canada is in relation to the constitution of the Senate divided by this Act and accordingly after the admission of Prince Edward Island whether Newfoundland is admitted or not the representation of Nova Scotia and New Brunswick in the Senate shall as vacancies occur be reduced from twelve to ten members respectively and the representation of each of those provinces shall not be increased at any time beyond ten except under the provision of this Act for the appointment of three or six additional senators under the direction of the Queen.

B.N.A. 1867, 30 Victoria, c.3, s.147.

## SCHEDULES

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### THE FIRST SCHEDULE

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#### **Electoral Districts of Ontario**

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#### A

#### EXISTING ELECTORAL DIVISIONS

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#### COUNTIES

- |               |                   |
|---------------|-------------------|
| 1. Prescott.  | 6. Carleton.      |
| 2. Glengarry. | 7. Prince Edward. |
| 3. Stormont.  | 8. Halton.        |
| 4. Dundas.    | 9. Essex.         |
| 5. Russell.   |                   |

#### RIDINGS OF COUNTIES

10. North riding of Lanark.
11. South riding of Lanark.
12. North riding of Leeds and north riding of Grenville.
13. South riding of Leeds.
14. South riding of Grenville.
15. East riding of Northumberland.
16. West riding of Northumberland (excepting therefrom the township of South Monaghan).
17. East riding of Durham.
18. West riding of Durham.
19. North riding of Ontario.
20. South riding of Ontario.
21. East riding of York.
22. West riding of York.
23. North riding of York.

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24. North riding of Wentworth.
25. South riding of Wentworth.
26. East riding of Elgin.
27. West riding of Elgin.
28. North riding of Waterloo.
29. South riding of Waterloo.
30. North riding of Brant.
31. South riding of Brant.
32. North riding of Oxford.
33. South riding of Oxford.
34. East riding of Middlesex.

## CITIES, PARTS OF CITIES, AND TOWNS

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville with the township of Elizabethtown thereto attached.
42. Town of Niagara with the township of Niagara thereto attached.
43. Town of Cornwall with the township of Cornwall thereto attached.

## NEW ELECTORAL DIVISIONS

44. The provisional judicial district of Algoma.

The County of Bruce, divided into two ridings, to be called respectively the north and south ridings:

45. The north riding of Bruce to consist of the townships of Bury, Lindsay, Eastnor, Albermarle, Amabel, Arran, Bruce, Elderslie and Langeen (Saugeen?) and the village of Southampton.
46. The south riding of Bruce to consist of the townships of Kincardine (including the village of Kincardine), Greenock, Brant, Huron, Kinross (Kinloss?), Curloss and Carrick.

The county of Huron, divided into two ridings, to be called respectively the north and south ridings:

47. The north riding to consist of the townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullet, including the village of Clinton and McKillop.
48. The south riding to consist of the town of Goderich and the townships of Goderich, Tuckersmith, Stanley, Hay, Usborne and Stephen.

The county of Middlesex, divided into three ridings, to be called respectively the north, west and east ridings:

49. The north riding to consist of the townships of McGillivray and Biddulph (taken from the county of Huron), and Williams East, Williams West, Adelaide and Lobo.
50. The west riding to consist of the townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid and the village of Strathroy.

[The east riding to consist of the townships now embraced therein and be bounded as it is at present.]

## BRITISH NORTH AMERICA, 1867

51. The county of Lambton to consist of the townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen and Brooke and the town of Sarnia.

52. The county of Kent to consist of the townships of Chatham, Dover, East Tilbury, Romney, Raleigh and Harwich and the town of Chatham.

53. The county of Bothwell to consist of the townships of Sombra, Dawn and Euphemia (taken from the county of Lambton), and the townships of Zone, Camden with the Gore thereof, Orford and Howard (taken from the county of Kent).

The county of Grey, divided into two ridings, to be called respectively the south and north ridings:

54. The south riding to consist of the townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton and Melancthon.

55. The north riding to consist of the townships of Collingwood, Duphrasia, Holland Saint Vincent, Sydenham, Sullivan, Derby and Keppell, Sarawak and Brooke and the town of Owen Sound.

The county of Perth, divided into two ridings, to be called respectively the south and north ridings:

56. The north riding to consist of the townships of Wallace, Elma, Logan, Ellice, Mornington and North Easthope and the town of Stratford.

57. The south riding to consist of the townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert and the villages of Mitchell and St. Mary's.

The county of Wellington, divided into three ridings, to be called respectively north, south and centre ridings:

58. The north riding to consist of the townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel and the village of Mount Forest.

59. The centre riding to consist of the townships of Garafraxa, Erin, Eramosa, Nichol and Pilkington and the villages of Fergus and Elora.

60. The south riding to consist of the town of Guelph and the townships of Guelph and Puslinch.

The county of Norfolk, divided into two ridings, to be called respectively the south and north ridings:

61. The south riding to consist of the townships of Charlotteville, Houghton, Walsingham and Woodhouse, and with the Gore thereof.

62. The north riding to consist of the townships of Middleton, Townsend and Windham and the town of Simcoe.

63. The county of Haldimand to consist of the townships of Oneida, Senaca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn.

64. The county of Monck to consist of the townships of Canborough and Moulton and Sherbrooke and the village of Dunnville (taken from the county of Haldimand) the townships of Caister and Gainsborough (taken from the county of Lincoln) and the townships of Pelham and Wainfleet (taken from the county of Welland).

65. The county of Lincoln to consist of the townships of Clinton, Grantham, Grimsby and Louth and the town of St. Catherines,

## BRITISH NORTH AMERICA, 1867

66. The county of Welland to consist of the townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby and the villages of Chippewa, Clifton, Fort Erie, Thorold and Welland.

67. The county of Peel to consist of the townships of Chinguacousy, Toronto and the Gore of Toronto and the villages of Brampton and Streetsville.

68. The county of Cardwell to consist of the townships of Albion and Caledon (taken from the county of Peel), and the townships of Adjala and Mono (taken from the county of Simcoe).

The county of Simcoe, divided into two ridings, to be called respectively the south and north ridings:

69. The south riding to consist of the townships of West Gwillimbury, Tecumseh, Innisfil Essa, Tossorontio, Mulmer and the village of Bradford.

70. The north riding to consist of the townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson and the towns of Barrie and Collingwood.

The county of Victoria, divided into two ridings, to be called respectively the south and north ridings:

71. The south riding to consist of the townships of Ops, Mariposa, Emily, Verulam and the town of Lindsay.

72. The north riding to consist of the townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville and Morrison, Muskoka, Monck and Watt (taken from the county of Simcoe), and any other surveyed townships lying to the north of the said north riding.

The county of Peterborough, divided into two ridings, to be called respectively the west and east ridings:

73. The west riding to consist of the townships of South Monaghan (taken from the county of Northumberland), North Monaghan, Smith and Ennismore and the town of Peterborough.

74. The east riding to consist of the townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee and Snowden and the village of Ashburnham and any other surveyed townships lying to the north of the said east riding.

The county of Hastings, divided into three ridings, to be called respectively the west, east and north ridings:

75. The west riding to consist of the town of Belleville, the township of Sydney and the village of Trenton.

76. The east riding to consist of the townships of Thurlow, Tyendinaga and Hungerford.

77. The north riding to consist of the townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora and Lake and the village of Stirling and any other surveyed townships lying to the north of the said north riding.

78. The county of Lennox to consist of the townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernest Town and Amherst Island and the village of Napanee.

## BRITISH NORTH AMERICA, 1867

79. The county of Addington to consist of the townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Claredon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford.

80. The county of Frontenac to consist of the townships of Kingston, Wolfe Island, Pittsburg and Howe Island and Storrington.

The county of Renfrew, divided into two ridings, to be called respectively the south and north ridings:

81. The south riding to consist of the townships of McNab, Bagot, Blithfield, Brougham, Horton, Adamaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol and the villages of Arnprior and Renfrew.

82. The north riding to consist of the townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algoma, North Algoma, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards and any other surveyed townships lying north-westerly of the said north riding.

Every town and incorporated village existing at the Union not specially mentioned in this schedule is to be taken as part of the county or riding within which it is locally situate.

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THE SECOND SCHEDULE

**Electoral Districts of Quebec Specially Fixed**

COUNTIES OF:

Pontiac.	Missisquoi.	Compton.
Ottawa.	Brome.	Wolfe and Richmond.
Argenteuil.	Shefford.	Megantic.
Huntingdon.	Stanstead.	
	Town of Sherbrooke.	

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THE THIRD SCHEDULE

**Provincial Public Works and Property to be the Property of Canada**

1. Canals with lands and water power connected therewith.
2. Public harbours.
3. Lighthouses and piers and Sable Island.
4. Steamboats, dredges and public vessels.
5. Rivers and lake improvements.
6. Railways and railway stocks, mortgages and other debts due by railway companies.
7. Military roads.
8. Custom houses, post offices and all other public buildings except such as the government of Canada appropriate for the use of the provincial Legislatures and governments.
9. Property transferred by the Imperial government and known as ordinance property.
10. Armouries, drill sheds, military clothing and munitions of war and lands set apart for general public purposes.

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THE FOURTH SCHEDULE

**Assets to be the Property of Ontario and Quebec Conjointly**

Upper Canada building fund.  
 Lunatic asylums.  
 Normal school.  
 Court houses in  
     Aylmer,                    }  
     Montreal,                }  
     Kamouraska,            } Lower Canada.  
 Law society, Upper Canada.  
 Montreal Turnpike Trust.  
 University permanent fund.  
 Royal institution.  
 Consolidated municipal loan fund, Upper Canada.  
 Consolidated municipal loan fund, Lower Canada.  
 Agricultural society, Upper Canada.  
 Lower Canada Legislative grant.  
 Quebec fire loan.  
 Temisconata [Temiscouata?] advance account.  
 Quebec Turnpike Trust.  
 Education – east.  
 Building and jury fund, Lower Canada.  
 Municipalities fund.  
 Lower Canada superior education income fund.

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THE FIFTH SCHEDULE

OATH OF ALLEGIANCE

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

*Note.* – The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time with proper terms of reference thereto.

DECLARATION OF QUALIFICATION

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada (*or as the case may be*) and that I am legally or equitably seised as of freehold for my own use and benefit of lands or tenements held in free and common socage (*or seised or possessed for my own use and benefit of lands or tenements held in Franc-alieu or in Roture, as the case may be*) in the Province of Nova Scotia (*or as the case may be*) of the value of four thousand dollars over and above all rents, dues, debts, mortgages, charges and incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourable obtained a title to or become possessed of the said lands and tenements or any part thereof for the purpose of enabling me to become a member of the Senate of Canada (*or as the case may be*), and that my real and personal property are together worth four thousand dollars over and above my debts and liabilities.



BRITISH NORTH AMERICA, 1867

***The British North America Act, 1871***

**34-35 VICTORIA, CHAPTER 28**

An Act respecting the Establishment of Provinces in the Dominion of Canada

[June 29, 1871]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish provinces in territories admitted or which may hereafter be admitted into the Dominion of Canada and to provide for the representation of such provinces in the said parliament and it is expedient to remove such doubts and to vest such powers in the said parliament:

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:

**Short title**

**1** This Act may be cited for all purposes as *The British North America Act, 1871*.

**Parliament of Canada may establish new provinces  
and provide for the constitution, etc., thereof**

**2** The Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada but not included in any province thereof and may at the time of such establishment make provisions for the constitution and administration of any such province and for the passing of laws for the peace, order and good government of such province and for its representation in the said parliament.

B.N.A. 1871, 34-35 Victoria, c.28, s.2.

**Alteration of limits of provinces**

**3** The Parliament of Canada may from time to time with the consent of the Legislature of any province of the said Dominion increase, diminish or otherwise alter the limits of such province upon such terms and conditions as may be agreed to by the said Legislature and may with the like consent make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby.

B.N.A. 1871, 34-35 Victoria, c.28, s.3.

**Parliament of Canada may legislate for any  
territory not included in a province**

**4** The Parliament of Canada may from time to time make provisions for the administration, peace, order and good government of any territory not for the time being included in any province.

B.N.A. 1871, 34-35 Victoria, c.28, s.4.

**Confirmation of Acts of Parliament of Canada 32 & 33 Vict. (Canadian)  
cap. 3, 33 Vict., (Canadian) cap. 3**

**5** The following Acts passed by the said Parliament of Canada and intituled respectively: “An Act for the temporary government of Rupert’s Land and the North-Western Territory when united with Canada” and “An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three and to establish and provide for the government of the Province of Manitoba” shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent in the Queen’s name of the Governor General of the said Dominion of Canada.

B.N.A. 1871, 34-35 Victoria, c.28, s.5.

**Limitation of powers of Parliament of Canada  
to legislate for an established province**

**6** Except as provided by the third section of this Act it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said parliament in so far as it relates to the Province of Manitoba or of any other Act hereafter establishing new provinces in the said Dominion subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly and to make laws respecting elections in the said province.

B.N.A. 1871, 34-35 Victoria, c.28, s.6.

BRITISH NORTH AMERICA, 1867

***The British North America Act, 1886***

**49-50 VICTORIA, CHAPTER 35**

An Act respecting the Representation in the Parliament of Canada of Territories which for the Time being form Part of the Dominion of Canada, but are not included in any Province

[June 25, 1886]

WHEREAS it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and House of Commons of Canada or either of them or any territory which for the time being forms part of the Dominion of Canada but is not included in any province:

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:

**Provision by Parliament of Canada for representation of territories**

**1** The Parliament of Canada may from time to time make provisions for the representation in the Senate and House of Commons of Canada or in either of them of any territories which for the time being form part of the Dominion of Canada but are not included in any province thereof.

B.N.A. 1886, 49-50 Victoria, c.35, s.1.

**Effect of Acts of Parliament of Canada**

**2** Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall if not disallowed by the Queen be and shall be deemed to have been valid and effectual from the date at which it received the assent in Her Majesty's name of the governor general of Canada.

B.N.A. 1886, 49-50 Victoria, c.35, s.2.

**34 & 35 Vict., c.28, 30 & 31 Vict., c.3**

It is hereby declared that any Act passed by the Parliament of Canada whether before or after the passing of this Act for the purpose mentioned in this Act or in *The British North America Act, 1871*, has effect notwithstanding anything in *The British North America Act, 1867*, and the number of senators or the number of members of the House of Commons specified in the last mentioned Act is increased by the number of senators or of members, as the case may be, provided by any such Act of the Parliament of Canada for the representation of any provinces or territories of Canada.

B.N.A. 1886, 49-50 Victoria, c.35, s.2.

**Short title and construction**

**3** This Act may be cited as "*The British North America Act, 1886*".

**30 & 31 Vict., c.3, 34 & 35 Vict., c.28**

This Act and *The British North America Act, 1867*, and *The British North America Act, 1871*, shall be construed together and may be cited together as "*The British North America Act, 1867 to 1886*".

B.N.A. 1886, 49-50 Victoria, c.35, s.3.

*The British North America Act, 1907*

## 7 EDWARD VII, CHAPTER 11

An Act to make further Provision with respect to the Sums to  
be paid by Canada to the several Provinces of the Dominion

[August 9, 1907]

WHEREAS an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act:

Be it therefore enacted by the King'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:

**Payments to be made by Canada to provinces**

1 The following grants shall be made yearly by Canada to every province which at the commencement of this Act is a province of the Dominion for its local purposes and the support of its government and Legislature:

(a) A fixed grant –

where the population of the province is under one hundred and fifty thousand of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand but does not exceed two hundred thousand of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand but does not exceed four hundred thousand of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand but does not exceed eight hundred thousand of one hundred and ninety thousand dollars;

where the population of the province is eight hundred thousand but does not exceed one million five hundred thousand of two hundred and twenty thousand dollars;

where the population of the province exceeds one million five hundred thousand of two hundred and forty thousand dollars; and

(b) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island a grant at the rate of eighty cents per head of the population of the province up to the number of two million five hundred thousand and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2) An additional grant of one hundred thousand dollars shall be made yearly to the province of British Columbia for a period of ten years from the commencement of this Act.

(3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose and in the case of any other province by the last decennial census for the time being.

## BRITISH NORTH AMERICA, 1867

(4) The grants payable under this Act shall be paid half-yearly in advance to each province.

**30 & 31 Vict., c.3**

(5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of *The British North America Act, 1867*, or of any Order in Council establishing a province or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy and those provisions shall cease to have effect.

(6) The government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.

(7) Nothing in this Act shall affect the obligation of the government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.

(8) In the case of the provinces of British Columbia and Prince Edward Island the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act and if it is found on any decennial census that the population of the province has decreased since the last decennial census the amount paid on account of the grant shall not be decreased below the amount then payable notwithstanding the decrease of the population.

B.N.A. 1907, 7 Edward VII, c.11, s.1.

**Short title and interpretation**

**2** This Act may be cited as "*The British North America Act, 1907*", and shall take effect as from the first day of July, nineteen hundred and seven.

B.N.A. 1907, 7 Edward VII, c.11, s.2.

## BRITISH NORTH AMERICA, 1867

## SCHEDULE

## TO THE KING'S MOST EXCELLENT MAJESTY

MOST GRACIOUS SOVEREIGN,

We, your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada in parliament assembled humbly approach your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorized under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland commonly called *The British North America Act, 1867*, or by or under any terms or conditions upon which any other provinces were admitted to the Union to be made by Canada to the several provinces of the Dominion for the support of their governments and Legislatures by providing that:

A. Instead of the amounts now payable the sums hereafter payable yearly by Canada to the several provinces for the support of their governments and Legislatures be according to population and as follows:

- (a) where the population of the province is under 150,000, \$100,000;
- (b) where the population of the province is 150,000 but does not exceed 200,000, \$150,000;
- (c) where the population of the province is 200,000 but does not exceed 400,000, \$180,000;
- (d) where the population of the province is 400,000 but does not exceed 800,000, \$190,000;
- (e) where the population of the province is 800,000 but does not exceed 1,500,000, \$220,000;
- (f) where the population of the province exceeds 1,500,000, \$240,000.

B. Instead of an annual grant per head of population now allowed the annual payment hereafter be at the same rate of eighty cents per head but on the population of each province as ascertained from time to time by the last decennial census or in the case of the provinces of Manitoba, Saskatchewan and Alberta respectively by the last quinquennial census or statutory estimate until such population exceeds 2,500,000 and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada or the right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

We pray that your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present session repealing the provisions of section 118 of *The British North America Act, 1867*, aforesaid and substituting therefore the scale of payments above set forth which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes and the support of their governments and Legislatures.

## BRITISH NORTH AMERICA, 1867

Such grants shall be paid half yearly in advance to each province but the government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,  
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,  
Speaker of the House of Commons.

Senate and House of Commons,  
Ottawa, Canada,  
26th April, 1907.

***The British North America Act, 1915***

**5-6 GEORGE V, CHAPTER 45**

An Act to amend *The British North America Act, 1867*

[19th May, 1915]

Be it enacted by the King'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:

**Alteration of constitution of Senate 30 & 31 Vict., c.3**

1(1) Notwithstanding anything in *The British North America Act, 1867*, or in any Act amending the same, or in any Order in Council or terms or conditions of union made or approved under the said Acts or in any Act of the Canadian Parliament:

(i) The number of senators provided for under section twenty-one of *The British North America Act, 1867*, is increased from seventy-two to ninety-six;

(ii) The Divisions of Canada in relation to the constitution of the Senate provided for by section twenty-two of the said Act are increased from three to four, the fourth division to comprise the Western Provinces of Manitoba, British Columbia, Saskatchewan and Alberta, which four divisions shall (subject to the provisions of the said Act and of this Act) be equally represented in the Senate, as follows:

Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta;

(iii) The number of persons whom by section twenty-six of the said Act the Governor General of Canada may, upon the direction of His Majesty the King, add to the Senate, is increased from three or six to four or eight, representing equally the four divisions of Canada;

## BRITISH NORTH AMERICA, 1867

- (iv) In case of such addition being at any time made the Governor General of Canada shall not summon any person to the Senate except upon a further like direction by His Majesty the King on the like recommendation to represent one of the four divisions until such division is represented by twenty-four senators and no more;
  - (v) The number of senators shall not at any time exceed one hundred and four;
  - (vi) The representation in the Senate to which by section one hundred and forty-seven of *The British North America Act, 1867*, Newfoundland would be entitled, in case of its admission to the Union is increased from four to six members, and in case of the admission of Newfoundland into the Union, notwithstanding anything in the said Act or in this Act, the normal number of senators shall be one hundred and two, and their maximum number one hundred and ten;
  - (vii) Nothing herein contained shall affect the powers of the Canadian Parliament under *The British North America Act, 1886*.
- (2) Paragraphs (i) to (v) inclusive of subsection (1) of this section shall not take effect before the termination of the now existing Canadian Parliament.

B.N.A. 1915, 5-6 George V, c.45, s.1.

**Constitution of House of Commons**

**2** *The British North America Act, 1867*, is amended by adding thereto the following section immediately after section fifty-one of the said Act:

**51a** Notwithstanding anything in this Act, a province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such province.

B.N.A. 1915, 5-6 George V, c.45, s.2.

**Short title**

**3** This Act may be cited as *The British North America Act, 1915*, and *The British North America Acts, 1867 to 1886*, and this Act may be cited together as *The British North America Acts, 1867 to 1915*.

B.N.A. 1915, 5-6 George V, c.45, s.3.



BRITISH NORTH AMERICA, 1867

***The British North America Act, 1930***

**20 and 21 GEORGE V, CHAPTER 26**

An Act to confirm and give effect to certain agreements entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively

[10th July, 1930]

WHEREAS the agreements set out in the Schedule to this Act were entered into between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba, British Columbia, Alberta and Saskatchewan respectively subject, however, in each case to approval by the Parliament of Canada and the Legislature of the Province to which the agreement relates and also to confirmation by the Parliament of the United Kingdom:

And whereas each of the said agreements has been duly approved by the Parliament of Canada and by the Legislature of the Province to which it relates:

And whereas, after the execution of the said agreement relating to the Province of Alberta, it was agreed between the parties concerned, subject to such approval and confirmation as aforesaid, that the said Province should, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as were required to be vested in the Province in order that it might enjoy rights equal to those which might be conferred upon or reserved to the Province of Saskatchewan under any agreement upon a like subject matter thereafter approved and confirmed in the manner aforesaid, and provision in that behalf was accordingly made by the Parliament of Canada and the Legislature of the Province of Alberta when approving the said agreement:

And whereas the Senate and Commons of Canada in Parliament assembled have submitted an address to his Majesty praying that His Majesty may graciously be pleased to give his consent to the submission of a measure to the Parliament of the United Kingdom for the confirmation of the said agreements:

Be it therefore enacted by the King'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: —

**Confirmation of scheduled agreements**

1 The agreements set out in the Schedule to this Act are hereby confirmed and shall have the force of law notwithstanding anything in *The British North America Act, 1867*, or any Act amending the same, or any Act of Parliament of Canada, or in any Order in Council or terms or conditions of union made or approved under any such Act as aforesaid.

B.N.A. 1930, 20 and 21 George V, c.26, s.1.

## BRITISH NORTH AMERICA, 1867

**Extension of scheduled agreement relating to Alberta**

**2** The agreement relating to the Province of Alberta which is confirmed by this Act shall be construed and have effect for all purposes as if it contained a provision to the following effect, namely, that the said Province shall, in addition to the rights accruing to it under the said agreement as originally executed, be entitled to such further rights, if any, with respect to the subject matter of the said agreement as are required to be vested in the Province in order that it may enjoy rights equal to those conferred upon, or reserved to, the Province of Saskatchewan under the agreement relating to that Province which is confirmed by this Act.

B.N.A. 1930, 20 and 21 George V, c.26, s.2.

**Short title**

**3** This Act may be cited as *The British North America Act, 1930*, and *The British North America Acts, 1867 to 1916*, and this Act may be cited together as *The British North America Acts, 1867 to 1930*.

B.N.A. 1930, 20 and 21 George V, c.26, s.3.

## BRITISH NORTH AMERICA, 1867

## SCHEDULE

(See Schedule to Chapter 87 of the Statutes of  
Saskatchewan, 1930-supra)

***The British North America Act, 1940*****3 and 4 GEORGE VI, CHAPTER 36**

An Act to include unemployment insurance among the classes of subjects enumerated  
in section ninety-one of The British North America Act, 1867

[10th July, 1940]

WHEREAS the Senate and Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the King'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:

**Extention of exclusive legislative authority  
of Parliament of Canada, 30 & 31 Vict., c.3**

**1** Section ninety-one of *The British North America Act, 1867*, is amended by inserting therein, after item 2 "The Regulation of trade and commerce", the following item: —

"2A Unemployment insurance".

B.N.A. 1940, 3 and 4 George VI, c.36, s.1.

**Short title and citation 7 Edw. 7, c.11**

**2** This Act may be cited as *The British North America Act, 1940* and *The British North America Acts, 1867 to 1930*, *The British North America Act, 1907*, and this Act, may be cited together as *The British North America Acts, 1867 to 1940*.

B.N.A. 1940, 3 and 4 George VI, c.36, s.2.

***The British North America Act, 1867***

6 and 7 GEORGE VI, CHAPTER 30

*Note.* This Act postpones readjustment of representation of the provinces of the House of Commons until the first session of the Parliament of Canada commencing after the war of 1939-1945.

***The British North America Act, 1946***

9 and 10 GEORGE VI, CHAPTER 63

An Act to provide for the readjustment of representation in the House of Commons of Canada on the basis of the population of Canada

[26th July, 1946]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth;

Be it therefore enacted by the King'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:

**New provision as to readjustment of representation  
in Commons, 30 & 31 Vict., c.3**

**1** Section fifty-one of *The British North America Act, 1867*, is hereby repealed and the following substituted therefor:

**“51(1)** The number of members of the House of Commons shall be two hundred and fifty-five and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules: —

1. Subject as hereinafter provided, there shall be assigned to each of the provinces a number of members computed by dividing the total population of the provinces by two hundred and fifty-four and by dividing the population of each province by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the said process of division.

2. If the total number of members assigned to all the provinces pursuant to rule one is less than two hundred and fifty-four, additional members shall be assigned to the provinces (one to a province) having remainders in the computation under rule one commencing with the province having the largest remainder and continuing with the other provinces in the order of the magnitude of their respective remainders until the total number of members assigned is two hundred and fifty-four.

3. Notwithstanding anything in this section, if upon completion of a computation under rules one and two, the number of members to be assigned to a province is less than the number of senators representing the said province, rules one and two shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators.

## BRITISH NORTH AMERICA, 1867

4. In the event that rules one and two cease to apply in respect of a province then, for the purpose of computing the number of members to be assigned to the provinces in respect of which rules one and two continue to apply, the total population of the provinces shall be reduced by the number of the population of the province in respect of which rules one and two have ceased to apply and the number two hundred and fifty-four shall be reduced by the number of members assigned to such province pursuant to rule three.

5. Such readjustment shall not take effect until the termination of the then existing Parliament.

(2) The Yukon Territory as constituted by Chapter forty-one of the Statutes of Canada, 1901, together with any Part of Canada not comprised within a province which may from time to time be included therein by the Parliament of Canada for the purposes of representation in Parliament, shall be entitled to one member”.

B.N.A. 1946, 9 and 10 George, c.63, s.1.

**Short title and citation**

2 This Act may be cited as *The British North America Act, 1946*, and *The British North America Acts, 1867 to 1943*, and this Act may be cited together as *The British North America Acts, 1867 to 1946*.

B.N.A. 1946, 9 and 10 George, c.63, s.2.

***The British North America Act, 1949*****12 and 13 GEORGE VI, CHAPTER 22**

*Note.* This Act confirms and gives effect to Terms of Union agreed between Canada and Newfoundland.

***The British North America (No. 2) Act, 1949***

12-14 GEORGE VI, CHAPTER 81

An Act to amend The British North America Act, 1867,  
as respects the amendment of the Constitution of Canada

[16th December, 1949]

WHEREAS the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the King'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:

**Amendment as to legislative authority of Parliament of Canada, 30 & 31 Vict., c.3**

**1** Section ninety-one of *The British North America Act, 1867* is hereby amended by renumbering Class I thereof as Class 1A and by inserting therein immediately before the Class the following as Class I:

“**1.** The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House; provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House”.

B.N.A. 1949 (No. 2), 12-14 George VI, c.81, s.1.

**Short title and citation**

**2** This Act may be cited as *The British North America (No. 2) Act, 1949*, and shall be included among the Acts which may be cited as *The British North America Acts, 1867 to 1949*.

B.N.A. 1949 (No. 2), 12-14 George VI, c.81, s.2.

BRITISH NORTH AMERICA, 1867

***The British North America Act, 1951***

14 and 15 GEORGE VI, CHAPTER 32

An Act to amend *The British North America Act, 1867*

[31st May, 1951]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted an address to His Majesty praying that His Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the King'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:

**Amendment as to legislation respecting old age pensions, 30 & 31 Vict., c.3**

**1** *The British North America Act, 1867*, is amended by adding thereto immediately after section ninety-four thereof the following heading and section:

**“Old Age Pensions**

**94a** It is hereby declared that the Parliament of Canada may from time to time make laws in relation to old age pensions in Canada, but no law made by the Parliament of Canada in relation to old age pensions shall affect the operation of any law present or future of a Provincial Legislature in relation to old age pensions”.

B.N.A. 1951, 14 and 15 George VI, c.32, s.1.

**Short title and citation**

**2** This Act may be cited as *The British North America Act, 1951*, and *The British North America Acts, 1867 to 1949*, and this Act may be cited together as *The British North America Acts, 1867 to 1951*.

B.N.A. 1951, 14 and 15 George VI, c.32, s.2.

***The British North America Act, 1952***

I ELIZABETH II, CHAPTER 15

An Act to amend the British North America Acts, 1867 to 1951, with respect to the Readjustment of Representation in the House of Commons

[18th June, 1952]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**30 & 31 Vict., c.3 (U.K.) amended**

**1** Section fifty-one of *The British North America Act, 1867*, as enacted by *The British North America Act, 1946*, is repealed and the following substituted therefor:

**Readjustment of representation in Commons**

**“51(1)** Subject as hereinafter provided, the number of members of the House of Commons shall be two hundred and sixty-three and the representation of the provinces therein shall forthwith upon the coming into force of this section and thereafter on the completion of each decennial census be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following rules:

**Rules**

- 1** There shall be assigned to each of the provinces a number of members computed by dividing the total population of the provinces by two hundred and sixty-one and by dividing the population of each province by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the said process of division.
- 2** If the total number of members assigned to all the provinces pursuant to rule one is less than two hundred and sixty-one, additional members shall be assigned to the provinces (one to a province) having remainders in the computation under rule one commencing with the province having the largest remainder and continuing with the other provinces in the order of the magnitude of their respective remainders until the total number of members assigned is two hundred and sixty-one.
- 3** Notwithstanding anything in this section, if upon completion of a computation under rules one and two, the number of members to be assigned to a province is less than the number of senators representing the said province, rules one and two shall cease to apply in respect of the said province, and there shall be assigned to the said province a number of members equal to the said number of senators.
- 4** In the event that rules one and two cease to apply in respect of a province then, for the purpose of computing the number of members to be assigned to the provinces in respect of which rules one and two continue to apply, the total population of the provinces shall be reduced by the number of the population of the province in respect of which rules one and two have ceased to apply and the number two hundred and sixty-one shall be reduced by the number of members assigned to such province pursuant to rule three.
- 5** On any such readjustment the number of members for any province shall not be reduced by more than fifteen per cent below the representation to which such province was entitled under rules one to four of this subsection at the last preceding readjustment of the representation of that province, and there shall be no reduction in the representation of any province as a result of which that province would have a smaller number of members than any other province that according to the results of the then last decennial census did not have a larger population; but for the purposes of any subsequent readjustment of representation under this section any increase in the number of members of the House of Commons resulting from the application of this rule shall not be included in the divisor mentioned in rules one to four of this subsection.
- 6** Such readjustment shall not take effect until the termination of the then existing Parliament.



## BRITISH NORTH AMERICA, 1867

**Yukon Territory and other part not comprised within a province**

(2) The Yukon Territory as constituted by chapter forty-one of the statutes of Canada, 1901, shall be entitled to one member, and such other part of Canada not comprised within a province as may from time to time be defined by the Parliament of Canada shall be entitled to one member”.

B.N.A. 1952, 1 Elizabeth II, c.15, s.1.

**Short title and citation**

**2** This Act may be cited as *The British North America Act, 1952*, and *The British North America Acts, 1867 to 1951*, and this Act may be cited together as *The British North America Acts, 1867 to 1952*.

B.N.A. 1952, 1 Elizabeth II, c.15, s.2.

***The British North America Act, 1960*****9 ELIZABETH II, CHAPTER 2**

[20th December, 1960]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted addresses to Her Majesty praying that Her Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

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:

**Amendment as to tenure of office of judges, 30 & 31 Vict., c.3**

**1** Section ninety-nine of *The British North America Act, 1867*, is hereby repealed and the following substituted therefor:

**“Tenure of office of judges**

**99(1)** Subject to subsection (2) of this section, the judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

(2) A judge of a superior court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy-five years, or upon the coming into force of this section if at that time he has already attained that age”.

B.N.A. 1960, 9 Elizabeth II, c.2, s.1.

**Short title and citation**

**2** This Act may be cited as *The British North America Act, 1960*; and *The British North America Acts, 1867 to 1952*, and this Act may be cited together as *The British North America Acts, 1867 to 1960*.

B.N.A. 1960, 9 Elizabeth II, c.2, s.2.

**Commencement**

**3** This Act shall come into force on the first day of March, nineteen hundred and sixty-one.

B.N.A. 1960, 9 Elizabeth II, c.2, s.3.

***The British North America Act, 1964***

## 13 ELIZABETH II, CHAPTER 73

An Act to amend *The British North America Act, 1867*

[31st July, 1964]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty praying that Her Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefor 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:

**Amendment as to legislation respecting old age pensions, 30 & 31 Vict., c.3**

1 Section 94A of *The British North America Act, 1867* is hereby repealed and the following substituted therefor:

**“Legislation respecting old age pensions and supplementary benefits**

94A The Parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter”.

B.N.A. 1964, 13 Elizabeth II, c.73, s.1.

**Short title and citation**

2 This Act may be cited as *The British North America Act, 1964*, and *The British North America Acts, 1867 to 1960*, and this Act may be cited together as *The British North America Acts, 1867 to 1964*.

B.N.A. 1964, 13 Elizabeth II, c.73, s.2.

***The British North America Act, 1965***

## PART I OF 14 ELIZABETH II, CHAPTER 4

An Act to make provision for the retirement of members of the Senate

[2nd June, 1965]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## PART I

## Amendments of British North America Act

**30 & 31 Vict., c.3**

1 Section 29 of *The British North America Act, 1867*, is repealed and the following substituted therefor:

**“Tenure of place in Senate**

29(1) Subject to subsection (2), a Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

## BRITISH NORTH AMERICA, 1867

**Retirement upon attaining age of seventy-five years**

(2) A Senator who is summoned to the Senate after the coming into force of this subsection shall, subject to this Act, hold his place in the Senate until he attains the age of seventy-five years”.

B.N.A. 1965, I-14 Elizabeth II, c.4, s.1.

**Short title and citation of Part 1**

**2** This Part may be cited as *The British North America Act, 1965*, and *The British North America Acts, 1861 to 1964*, and this Part may be cited together as *The British North America Acts, 1867 to 1965*.

B.N.A. 1965, I-14 Elizabeth II, c.4, s.2.

***The British North America Act, 1974*****PART I OF 23 ELIZABETH II, CHAPTER 13**

An Act to provide for representation in the House of Commons,  
to establish electoral boundaries commissions and to remove the  
temporary suspension of the Electoral Boundaries Readjustment Act

[Assented to 20th December, 1974]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**PART I****BRITISH NORTH AMERICA ACT**

**2** Subsection 51(1) of *The British North America Act, 1867*, as enacted by *The British North America Act, 1952*, is repealed and the following substituted therefor:

**“Readjustment of representation in Commons**

**51(1)** The number of members of the House of Commons and the representation of the provinces therein shall upon the coming into force of this subsection and thereafter on the completion of each decennial census be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides, subject and according to the following Rules:

**Rules**

**1** There shall be assigned to Quebec seventy-five members in the readjustment following the completion of the decennial census taken in the year 1971, and thereafter four additional members in each subsequent readjustment.

**2** Subject to Rules 5(2) and (3), there shall be assigned to a large province a number of members equal to the number obtained by dividing the population of the large province by the electoral quotient of Quebec.

## BRITISH NORTH AMERICA, 1867

**3** Subject to Rules 5(2) and (3), there shall be assigned to a small province a number of members equal to the number obtained by dividing:

(a) the sum of the populations, determined according to the results of the penultimate decennial census, of the provinces (other than Quebec) having populations of less than one and a half million, determined according to the results of that census, by the sum of the numbers of members assigned to those provinces in the readjustment following the completion of that census; and

(b) the population of the small province by the quotient obtained under paragraph (a).

**4** Subject to Rules 5(1)(a), (2) and (3), there shall be assigned to an intermediate province a number of members equal to the number obtained:

(a) by dividing the sum of the populations of the provinces (other than Quebec) having populations of less than one and a half million by the sum of the numbers of members assigned to those provinces under any of Rules 3, 5(1)(b), (2) and (3);

(b) by dividing the population of the intermediate province by the quotient obtained under paragraph (a); and

(c) by adding to the number of members assigned to the intermediate province in the readjustment following the completion of the penultimate decennial census one-half of the difference resulting from the subtraction of that number from the quotient obtained under paragraph (b).

**5(1)** On any readjustment,

(a) if no province (other than Quebec) has a population of less than one and a half million, Rule 4 shall not be applied and, subject to Rules 5(2) and (3), there shall be assigned to an intermediate province a number of members equal to the number obtained by dividing:

(i) the sum of the populations, determined according to the results of the penultimate decennial census, of the provinces (other than Quebec) having populations of not less than one and a half million, and not more than two and a half million, determined according to the results of that census, by the sum of the numbers of members assigned to those provinces in the readjustment following the completion of that census, and

(ii) the population of the intermediate province by the quotient obtained under subparagraph (i);

(b) if a province (other than Quebec) having a population of:

(i) less than one and a half million, or

(ii) not less than one and a half million and not more than two and a half million;

## BRITISH NORTH AMERICA, 1867

does not have a population greater than its population determined according to the results of the penultimate decennial census, it shall, subject to Rules 5(2) and (3), be assigned the number of members assigned to it in the readjustment following the completion of that census.

(2) On any readjustment,

(a) if, under any of Rules 2 to 5(1), the number of members to be assigned to a province (in this paragraph referred to as “the first province”) is smaller than the number of members to be assigned to any other province not having a population greater than that of the first province, those Rules shall not be applied to the first province and it shall be assigned a number of members equal to the largest number of members to be assigned to any other province not having a population greater than that of the first province;

(b) if, under any of Rules 2 to 5(1)(a), the number of members to be assigned to a province is smaller than the number of members assigned to it in the readjustment following the completion of the penultimate decennial census, those Rules shall not be applied to it and it shall be assigned the latter number of members;

(c) if both paragraphs (a) and (b) apply to a province, it shall be assigned a number of members equal to the greater of the numbers produced under those paragraphs.

(3) On any readjustment,

(a) if the electoral quotient of a province (in this paragraph referred to as “the first province”) obtained by dividing its population by the number of members to be assigned to it under any of Rules 2 to 5(2) is greater than the electoral quotient of Quebec, those Rules shall not be applied to the first province and it shall be assigned a number of members equal to the number obtained by dividing its population by the electoral quotient of Quebec;

(b) if, as a result of the application of Rule 6(2)(a), the number of members assigned to a province under paragraph (a) equals the number of members to be assigned to it under any of Rules 2 to 5(2), it shall be assigned that number of members and paragraph (a) shall cease to apply to that province.

6(1) In these Rules,

“**electoral quotient**” means, in respect of a province, the quotient obtained by dividing its population, determined according to the results of the then most recent decennial census, by the number of members to be assigned to it under any of Rules 1 to 5(3) in the readjustment following the completion of that census;

“**intermediate province**” means a province (other than Quebec) having a population greater than its population determined according to the results of the penultimate decennial census but not more than two and a half million and not less than one and a half million;

## BRITISH NORTH AMERICA, 1867

**“large province”** means a province (other than Quebec) having a population greater than two and a half million;

**“penultimate decennial census”** means the decennial census that preceded that then most recent decennial census;

**“population”** means, except where otherwise specified, the population determined according to the results of the then most recent decennial census;

**“small province”** means a province (other than Quebec) having a population greater than its population determined according to the results of the penultimate decennial census and less than one and a half million.

- (2) For the purposes of these Rules,
- (a) if any fraction less than one remains upon completion of the final calculation that produces the number of members to be assigned to a province, that number of members shall equal the number so produced disregarding the fraction;
  - (b) if more than one readjustment follows the completion of a decennial census, the most recent of those readjustments shall, upon taking effect, be deemed to be the only readjustment following the completion of that census;
  - (c) a readjustment shall not take effect until the termination of the then existing Parliament.”

B.N.A. 1974, I-23 Elizabeth II, c.13, s.2.

**Short title and citation**

**3** This Part may be cited as *The British North America Act, 1974*, and the *British North America Acts, 1867 to 1965* and this Part may be cited together as the *British North America Acts, 1867 to 1974*.

B.N.A. 1974, I-23 Elizabeth II, c.13, s.3.

## BRITISH NORTH AMERICA, 1867

***The British North America Act, 1975***

## PART I of 23-24 ELIZABETH II, CHAPTER 28

An Act to increase the representation of the Northwest Territories in the House of Commons and to establish a commission to readjust the electoral boundaries of the Northwest Territories

[Assented to 13th March, 1975]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## PART I

## BRITISH NORTH AMERICA ACT

**2** Subsection 51(2) of the *British North America Act, 1867*, as enacted by the *British North America Act, 1952*, is repealed and the following substituted therefor:

**“Yukon Territory and Northwest Territories**

(2) The Yukon Territory as bounded and described in the schedule to chapter Y-2 of The Revised Statutes of Canada, 1970, shall be entitled to one member, and the Northwest Territories as bounded and described in section 2 of chapter N-22 of the Revised Statutes of Canada, 1970, shall be entitled to two members.”

B.N.A. 1975, 23-24 Elizabeth II, c.28, s.2.

**Short title and citation**

**3** This Part may be cited as *The British North America Act, 1975*, and *The British North America Acts, 1867 to 1974* and this Part may be cited together as *The British North America Acts, 1867 to 1975*.

B.N.A. 1975, 23-24 Elizabeth II, c.28, s.3.

***The British North America Act (No. 2) 1975***

## 23-24 ELIZABETH II, CHAPTER 53

An Act to amend the British North America Acts, 1867 to 1975

[Assented to 19th June, 1975]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

**Constitution of Senate altered**

**1** Notwithstanding anything in *The British North America Act, 1867*, or in any Act amending that Act, or in any Act of the Parliament of Canada, or in any order in council or terms or conditions of union made or approved under any such Act,

(a) the number of Senators provided for under section 21 of *The British North America Act, 1867*, as amended, is increased from one hundred and two to one hundred and four;

## BRITISH NORTH AMERICA, 1867

- (b) the maximum number of Senators is increased from one hundred and ten to one hundred and twelve; and
- (c) the Yukon Territory and the Northwest Territories shall be entitled to be represented in the Senate by one member each.

B.N.A. 1975 (No. 2), 23-24 Elizabeth II, c.53, s.1.

**“Province”**

**2** For the purposes of this Act, the term **“Province”** in section 23 of *The British North America Act, 1867* has the same meaning as is assigned to the term “province” by section 28 of *The Interpretation Act*.

B.N.A. 1975 (No. 2), 23-24 Elizabeth II, c.53, s.2.

**Short title and citation**

**3** This Act may be cited as *The British North America Act, (No. 2) 1975*, and shall be included among the Acts that may be cited as *The British North America Acts, 1867 to 1975*.

B.N.A. 1975 (No. 2), 23-24 Elizabeth II, c.53, s.3.