

# British North America Act 1867

# **CHAPTER 3**

# **BRITISH NORTH AMERICA ACT 1867**

#### I.—PRELIMINARY

- 1 Short Title.
- 2 Application of Provisions referring to the Queen.

#### II.—UNION

- 3 Declaration of Union.
- 4 Construction of subsequent Provisions of Act.
- 5 Four Provinces.
- 6 Provinces of Ontario and Quebec.
- 7 Provinces of Nova Scotia and New Brunswick.
- 8 Decennial Census.

# III.— EXECUTIVE POWER

- 9 Declaration of Executive Power in the Queen.
- 10 Application of Provisions referring to Governor General.
- 11 Constitution of Privy-Council for Canada.
- 12 All Powers under Acts to be exercised by Governor General with Advice of Privy Council, or alone.
- 13 Application of Provisions referring to Governor General in Council.
- Power to Her Majesty to authorize Governor General to appoint Deputies.
- 15 Command of armed Forces to continue to be vested in the Queen.
- 16 Seat of Government of Canada.

#### IV.—LEGISLATIVE POWER

- 17 Constitution of Parliament of Canada.
- 18 Privileges, &c, of Houses.
- 19 First Session of the Parliament of Canada.
- 20 Yearly Session of the Parliament of Canada.

#### The Senate

- 21 Number of Senators.
- 22 Representation of Provinces in Senate.
- 23 Oualifications of Senator.
- 24 Summons of Senator.
- 25 Summons of First Body of Senators.
- 26 Addition of Senators in certain Cases.
- 27 Reduction of Senate to normal Number.
- 28 Maximum Number of Senators.
- 29 Tenure of Place in Senate.
- 30 Resignation of Place in Senate.
- 31 Disqualification of Senators.
- 32 Summons on Vacancy in Senate.
- 33 Questions as to Qualifications and Vacancies in Senate.
- 34 Appointment of Speaker of Senate.
- 35 Quorum of Senate.
- 36 Voting in Senate.

## The House of Commons

- 37 Constitution of House of Commons in Canada.
- 38 Summoning of House of Commons.
- 39 Senators not to sit in House of Commons.
- 40 Electoral Districts of the Four Provinces.
- 41 Continuance of existing Election Laws until Parliament of Canada otherwise provides.
- 42 Writs for First Election.
- 43 As to Casual Vacancies.
- 44 As to Election of Speaker of House of Commons.
- 45 As to filling up Vacancy in Office of Speaker.
- 46 Speaker to preside.
- 47 Provision in case of Absence of Speaker.
- 48 Quorum of House of Commons.
- 49 Voting in House of Commons.
- 50 Duration of House of Commons.
- 51 Decennial Re-adjustment of Representation.
- 52 Increase of Number of House of Commons.

## Money Votes; Royal Assent

- 53 Appropriation and Tax Bills.
- 54 Recommendation of Money Votes.
- 55 Royal Assent to Bills, &c.
- 56 Disallowance by Order in Council of Act assented to by Governor General.
- 57 Signification of Queen's Pleasure on Bill reserved.

#### V.—PROVINCIAL CONSTITUTIONS

#### Executive Power

- 58 Appointment of Lieutenant Governors of Provinces.
- 59 Tenure of Office of Lieutenant Governor.
- 60 Salaries of Lieutenant Governors.
- 61 Oaths, &c. of Lieutenant Governor.
- 62 Application of Provisions inferring to Lieutenant Governor.
- 63 Appointment of Executive Officers for Ontario and Quebec.
- 64 Executive Government of Nova Scotia and New Brunswick.
- Powers to be exercised by Lieutenant Governor of Ontario or Quebec with Advice, or alone.
- 66 Application of Provisions referring to Lieutenant Governor in Council,
- 67 Administration in Absence, &c. of Lieutenant Governor.
- 68 Seats of Provincial Governments

# Legislative Power

#### 1.—ONTARIO

- 69 Legislature for Ontario.
- 70 Electoral Districts.

# 2.—QUEBEC

- 71 Legislature for Quebec.
- 72 Constitution of Legislative Council.
- 73 Qualification of Legislative Councillors.
- 74 Resignation, Disqualification, &c.
- 75 Vacancies.
- 76 Questions as to Vacancies, &c.
- 77 Speaker of Legislative Council.
- 78 Quorum of Legislative Council.
- 79 Voting in Legislative Council.
- 80 Constitution of Legislative Assembly of Quebec.

# 3.—ONTARIO and QUEBEC

- 81 First Session of Legislatures.
- 82 Summoning of Legislative Assemblies.
- 83 Restriction on Election of Holders of Offices.
- 84 Continuance of existing Election Laws.
- 85 Duration of Legislative Assemblies.
- 86 Yearly Session of Legislature.
- 87 Speaker, Quorum, &c.

## 4.—NOVA SCOTIA AND NEW BRUNSWICK

88 Constitutions of Legislatures of Nova Scotia and New Brunswick.

# 5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

89 First Elections.

#### 6.—THE FOUR PROVINCES.

90 Application to Legislatures of Provisions respecting Money Votes.

## VI.—DISTRIBUTION OR LEGISLATIVE POWERS

#### Powers of the Parliament

91 Legislative Authority of Parliament of Canada.

Exclusive Powers of Provincial Legislatures

92 Subjects of exclusive Provincial Legislation.

#### Education

93 Legislation respecting Education.

Uniformity of Laws in Ontario, Nova Scotia, and New Brunswick

94 Legislation for Uniformity of Laws in Three Provinces.

## Agriculture and Immigration

95 Concurrent Powers of Legislation respecting Agriculture, &c.

## VII.—JUDICATURE

- 96 Appointment of Judges.
- 97 Selection of Judges in Ontario, &c.
- 98 Selection of Judges in Quebec.
- 99 Tenure of Office of Judges of Superior Courts.
- 100 Salaries, &c. of Judges.
- 101 General Court of Appeal, &c.

# VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

- 102 Creation of Consolidated Revenue Fund.
- 103 Expenses of Collection, &c.
- 104 Interest of Provincial Public Debts.
- 105 Salary of Governor General.
- 106 Appropriation from Time to Time.
- 107 Transfer of Stocks, &c.
- 108 Transfer of Property in Schedule.
- 109 Property in Lands, Mines, &c.
- 110 Assets connected with Provincial Debts.
- 111 Canada to be liable to, Provincial Debts.
- 112 Debts of Ontario and Quebec.
- 113 Assets of Ontario and Ouebec.
- 114 Debt of Nova Scotia.

- 115 Debt of New Brunswick.
- 116 Payment of Interest to Nova Scotia and New Brunswick.
- 117 Provincial Public Property.
- 118 Grants to Provinces.
- 119 Further Grant to New Brunswick.
- 120 Form of Payments
- 121 Canadian Manufactures, &c.
- 122 Continuance of Customs and Excise Laws.
- 123 Exportation and Importation as between Two Provinces.
- 124 Lumber Dues in Now Brunswick.
- 125 Exemption of Public Lands, &c.
- 126 Provincial Consolidated Revenue Fund.

## IX.—MISCELLANEOUS PROVISIONS

#### General

- 127 As to Legislative Councillors of Provinces becoming Senators.
- 128 Oath of Allegiance, &c.
- 129 Continuance of existing Laws, Courts, Officers, &c.
- 130 Transfer of Officers to Canada.
- 131 Appointment of new Officers.
- 132 Treaty Obligations.
- 133 Use of English and French Languages.

# Ontario and Quebec

- 134 Appointment of Executive Officers for Ontario and Quebec.
- 135 Powers, Duties, &c. of Executive Officers.
- 136 Great Seals.
- 137 Construction of temporary Acts.
- 138 As to Errors in Names.
- 139 As to Issue of Proclamations before Union, to commence after Union.
- 140 As to Issue of Proclamations after Union.
- 141 Penitentiary.
- 142 Arbitration respecting Debts, &c.
- 143 Division of Records.
- 144 Constitution of Townships in Quebec.

# X.—INTERCOLONIAL RAILWAY

Duty of Government and Parliament of Canada to make Railway herein described.

## XI.—ADMISSION OF OTHER COLONIES

- 146 Power to admit Newfoundland, &c. into the Union.
- 147 As to Representation of Newfoundland and Prince Edward Island in Senate.

THE FIRST — *Electoral Districts of Ontario* SCHEDULE

## PART A — EXISTING ELECTORAL DIVISIONS

#### **COUNTIES**

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

#### 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.
- West Riding of Northumberland (excepting therefrom the Township of South...
- 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.
- West Riding of York.
- 23 North Riding of York.
- 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.
- 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....

# PART B — NEW ELECTORAL DIVISIONS

44 The Provisional Judicial District of ALGOMA.

THE SECOND — Electoral Districts of Quebec specially fixed SCHEDULE

THE THIRD — Provincial Public Works and Property to be the Property of SCHEDULE 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...
- 7 Military Roads.
- 8 Custom Houses, Post Offices, and all other Public Buildings, except...
- 9 Property transferrer, by the Imperial Government, and known as Ordnance...
- 10 Armouries, Drill Sheds, Military Clothing, and Munitions of War, and...

THE FOURTH — Assets to be the Property of Ontario and Quebec conjointly SCHEDULE

THE FIFTH — SCHEDULE

OATH OF ALLEGIANCE

DECLARATION OF QUALIFICATION