

CANADA.

The Declaration.

"I, A. B., declare and testify that I am duly seised at law (or in equity) as of freehold for my own use and benefit, of the following lands (or tenements) held in free and common socage, or duly seised and possessed for my own use and benefit of lands (or tenements) held *en fief* or *en roture* or *en franc aleu* (as the case may be), that is to say, of (here insert a correct and clear description of the lands or tenements forming the property qualification of the candidate and of their local situation,) which said lands (or tenements) I declare to be of the full value of one thousand pounds currency, over and above all rents, mortgages, charges, and incumbrances charged upon or due and payable out of or affecting the same; and I further declare that I have not collusively or colourably obtained a title to or become possessed of the said lands (or tenements) or any part thereof, for the purpose of qualifying or enabling me to be returned as a member of the Legislative Council of this Province"

Certain provisions to apply to such declarations.

And to the making and delivering of such declaration, and the duties of the returning officer respecting the same, the provisions of law in force at the time of the passing of this Act, with regard to the making and delivering of the declaration which may now be required of candidates at elections of members of the Legislative Assembly, and to the duties of the returning officer with respect to such declaration, shall extend and apply.

Penalty for wilfully making a false declaration.

VIII. If any person shall knowingly and wilfully make a false declaration respecting his qualification to be elected a member of the said Legislative Council as aforesaid, such person shall be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury in the place in which such false declaration shall have been made.

Members becoming bankrupt, &c. disqualified.

IX. If any Member of the Legislative Council shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony, or of any infamous crime, his seat in the said Council shall thereby be vacated.

Persons disqualified to be members of Assembly to be disqualified as members of the Legislative Council.  
As to re-election in certain cases.

X. Every person who shall be disqualified by law to be elected or to sit as a member of the Legislative Assembly of the said province, shall be disqualified to be elected or to sit as a member of the Legislative Council thereof; and whenever any member of the said Legislative Council shall accept any office, the acceptance of which would vacate his seat if he were a Member of the Legislative Assembly, he shall thereby vacate his seat in the Legislative Council, but may be re-elected if the office be one which would not disqualify him to be elected as a Member of the Legislative Assembly.

Members of one House not eligible as members of the other.

XI. No person being then a member of the Legislative Assembly of the said province, shall be elected a member of the Legislative Council thereof, and no person being then a member of the Legislative Council shall be elected a member of the Legislative Assembly.

Members may resign, and how.

XII. Any member of the Legislative Council shall have power to resign and vacate his seat at any time, either during a session of the Provincial Parliament or in the recess between two sessions, in the manner and subject to the provisions in and under which members of the Legislative Assembly may vacate their seats; and the laws then in force relative to the resignation and vacation of the seats of members of the Legislative Assembly, and matters thereunto relating or therewith connected, shall extend and apply to the resignation and vacation of the seats of members of the Legislative Council, and shall be construed as having been enacted with respect thereto, except only in so far as may be inconsistent with the provisions of this Act, or as may be otherwise provided by Act of the Legislature of the said province: Provided always, that no member of the Legislative Council shall resign his seat therein while his election is controverted, or remains liable to be controverted for any other cause than bribery or corruption.

Certain laws to apply.

Provide.

XIII. The elections of members of the Legislative Council shall be held under writs of election to be prepared by the Clerk of the Crown in Chancery for the said province, which shall be in the same general form as writs for the election of members of the Legislative Assembly, with such changes in the wording thereof as the circumstances shall require; and the Speaker of the Legislative Council shall, with respect to such writs and the issuing thereof, have the like duties and powers as the Speaker of the Legislative Assembly shall have with regard to writs of election for members of the Legislative Assembly, and the said clerk of the Crown in Chancery shall be deemed an officer of the Legislative Council with regard to such writs, to the same extent as he is with regard to writs for the election of members of the Legislative Assembly, by law deemed the officer of that house.

As to writs of election.

Powers and duties of Speaker.

XIV. Until it shall be otherwise provided by Act of the Legislature of the said province, the returning officer for the election of a member of the Legislative Council for any electoral district shall be appointed by the Governor of the said province, the person so appointed being an elector duly qualified to vote at the election and not disqualified by law from acting as a returning officer at an election of a member of the Legislative Assembly, or being a person who is by law the returning officer for some place represented by a member in the Legislative Assembly and lying wholly or partly within such electoral district; and at any such election of a member of the Legislative Council, those persons shall be appointed deputy returning officers, who might under the laws then in force be appointed

Returning officers to be appointed by the Governor until otherwise provided.  
Qualification.

Deputy returning officers, &c.