

Enclosure in No. 4.

CANADA.

AN ACT to amend the Act re-uniting the Provinces of Upper and Lower Canada.

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WHEREAS it is desirable to introduce the elective principle into the constitution of the Legislative Council of the province of Canada: 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, That the fourth and fifth sections of the Act passed in the Session of Parliament held in the third and fourth years of Her Majesty's reign, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, shall be and are hereby repealed, but the repeal thereof shall not be construed to vacate or affect the seat of any person being a member of the Legislative Council at the time of the passing of this Act, except as herein-after provided.

Preamble.

Certain sections of 3d and 4th Vict. c. 35. repealed.

Proviso.

II. The sixth, seventh, and eighth sections of the Act last above cited, shall apply only to persons who shall be members of the Legislative Council at the time of the passing of this Act, (herein-after called "Present Members,") and until they shall cease to be members thereof under the provisions herein-after made.

Certain other sections, to whom to apply.

III. Subject to the provisions herein-after made as to the present members of the Legislative Council, and as to the composition of the said Council until the seats of all the present members thereof shall have been vacated, it shall be composed of sixty members, one to be elected for each of the sixty electoral districts into which the said province shall be divided for that purpose; which electoral districts, until it shall be otherwise provided by Act of the Legislature of the said province, shall be those mentioned in the Schedule to this Act.

How the Legislative Council shall be composed.

Electoral Districts established.

IV. The Members of the Legislative Council for the said electoral districts respectively shall be elected by the persons then qualified to vote at elections of members of the Legislative Assembly in respect of property situate in the electoral district for which the election is held; and the laws then in force with respect to elections of members of the Legislative Assembly, and to the issuing and return of writs of election, the powers and duties of returning officers and their deputies, and of election and poll clerks, the prevention or punishment of offences committed at or in respect of such elections, and to all proceedings at elections or matters connected with or incidental to such elections, shall extend and apply to elections of members of the Legislative Council as fully as to elections of members of the Legislative Assembly, and shall be construed as having been enacted with respect to elections of members of the Legislative Council, except only in so far as they may be inconsistent with this Act, or as may be otherwise provided by Act of the Legislature of the said province.

By whom the members shall be elected.

Elections to be governed by the present laws relative to elections of members of the Assembly.

V. In construing such laws as aforesaid with reference to the elections of members of the Legislative Council, the Legislative Council shall be held to be intended whenever the Legislative Assembly is mentioned or referred to and the electoral districts returning members to the Legislative Council, shall be held to be intended whenever the counties, ridings, cities and towns returning members to the Legislative Assembly are mentioned or referred to; and whenever there is in any such law any special provision applying only to places in Lower Canada or in Upper Canada respectively returning members to the Legislative Assembly, such provisions shall apply only to electoral districts in the same section of the province returning members to the Legislative Council; and all special provisions in such laws enacted only with reference to the counties of Saguenay and Gaspé, shall apply to the electoral districts in which the said counties shall be included, and to them only.

How such laws shall be construed in applying them to elections of members of the Legislative Council.

VI. In applying such laws as aforesaid with reference to elections of members of the Legislative Council, proper changes shall be made in the forms therein referred to. In the indenture of election of a member of the said Council, no words expressing the time for which he is to serve shall be inserted, nor shall any words of like import be hereafter inserted in the indenture of the election of a member of the Legislative Assembly.

Proper changes to be made in forms, &c.

VII. Provided always, that no person shall be qualified to be elected as a member of the said Legislative Council, or to sit as an elected member thereof, unless he be a subject of Her Majesty by birth or naturalization, of the full age of thirty years, and a stated resident of the said province, nor unless he shall have been, previously to such election, a member of the Legislative Council of Upper or of Lower Canada or of Canada, or a member of the Legislative Assembly of Upper or of Lower Canada or of Canada, or shall be possessed to his own use and benefit of real property situate in Canada held in free and common soccage, or *en fief*, or *en roture* or *franc aleu*, of the 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 every candidate at an election of a member of the Legislative Council, who must under this section possess a property qualification in order to his being capable of being elected, shall, in person or by his agent, if required by any other candidate, or by any elector or by the returning officer, deliver to the returning officer a declaration in writing signed by such candidate in the following form:

Qualification of members of the Legislative Council.

Declaration required of candidates in certain cases.