

CHAP. 2.

An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

[Assented to 3rd May, 1873.]

Preamble.

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

Members of a Provincial Legislature not eligible as Members of the House of Commons. Election to be void.

1. After the dissolution of the present Parliament of Canada, no person who is a Member of any Legislative Council or of any Legislative Assembly of any Province now included, or which may hereafter be included within the Dominion of Canada, shall be eligible as a Member of the House of Commons, or shall be capable of sitting or voting in the same; and if any one so declared ineligible is, nevertheless, elected and returned as a Member of the said House of Commons, his election shall be null and void.

A Member of the House of Commons elected to or appointed to a seat in a Provincial Legislature and accepting it, to vacate his seat in the Commons. Proviso, as to Members elected or appointed without their knowledge.

2. If any Member of the House of Commons shall be elected and returned to any Legislative Assembly, or shall be elected or appointed a Member of any Legislative Council, and accept the seat, his election as a Member of the House of Commons shall thereupon become null and void, and his seat shall be vacated, and a new writ shall issue forthwith for a new election, as if he were naturally dead: Provided always, that any Member of the House of Commons, so elected or appointed without his knowledge or consent, and who, without taking his seat in the Provincial Legislature, within ten days after having been notified of his election, or if he is not within the Province at the time, then within ten days after his arrival within the Province, resigns his seat and notifies the Speaker of the House of Commons, he shall hold his seat in the House of Commons as if no election or appointment to a seat in a Provincial Legislature had been made.

Penalty on persons hereby declared ineligible, sitting and voting in the House of Commons.

3. If any person who is made by this Act ineligible as a Member of the House of Commons, or incapable of sitting or voting therein, does, nevertheless, so sit or vote, he shall forfeit the sum of two thousand dollars for every day he sits or votes, and such sum may be recovered from him by any person who will sue for the same, by action in any form allowed by the law of procedure in the Province in which the action is brought, in any court having jurisdiction.

Act to apply to elections held after its passing.

4. This Act shall apply to any election of a Member of the House of Commons which may take place after the passing thereof, during the continuance of the present Parliament, and to any member elected thereat.

CHAP.