

No. 157.

4th Session, 3d Parliament, 14 Victoria, 1851.

BILL.

An Act to render vacant the seats of
Members of the Legislative Assembly.
in certain cases.

Received and read a first time, Wednesday, 18th
June, 1851.

Second reading, Monday, 23rd June, 1851.

Mr. Ross.

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BILL.

An Act to render vacant the seats of Members of the Legislative Assembly, in certain cases.

WHEREAS by the Statute of the Parliament of the United Kingdom of Great Britain and Ireland passed in the Session held in the third and fourth years of Her Majesty's Reign, intituled "*An Act to re-write the Provinces of Upper and Lower Canada and for the Government of Canada,*" it is enacted that the Members of the Legislative Council of this Province shall vacate their seats in certain cases; and whereas it is necessary to make similar provision in regard to the Members of the Legislative Assembly thereof, and their qualification and election to represent the several Counties, Ridings, Cities and Towns of this Province; Be it therefore enacted, &c.

Preamble.
Union Act cited.

That from and after the passing of this Act, if any Member of the Legislative Assembly of this Province shall for two successive Sessions of the Legislature of this Province, fail to give his attendance in the said Legislative Assembly without its permission signified through the Speaker, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or whereby he may become entitled to the rights, privileges or immunities of a subject or citizen of any foreign state or power, or 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 Legislative Assembly shall become vacant.

Seats of Members of Legislative Assembly vacated in certain cases.

II. And be it enacted, That any question which shall arise respecting any vacancy in the said Legislative Assembly on occasion of any of the matters aforesaid, shall be heard and determined by the said Legislative Assembly, whose judgment therein shall be final and conclusive to all intents and purposes.

Legislative Assembly to be the judge in any such case.

III. And be it enacted, That if any person who, after the passing of this Act, shall take such oath or make any such declaration or acknowledgment of allegiance, obedience or adherence to any foreign prince or power, or shall do, concur in or adopt any act whereby he may become entitled to the rights, privileges or immunities of

Penalty on any person disqualified by this Act who shall offer himself as Candidate for a seat in the

Legislative
Assembly.

a subject or citizen of any foreign state or power as aforesaid, or shall become a public defaulter, or be attainted of treason, or be convicted of felony or of any infamous crime, shall propose or offer himself as a candidate to become a representative of any County, Riding, City, 5
Town or other place now or hereafter entitled to send a representative to the said Legislative Assembly, and be convicted thereof on the oath of one or more credible witnesses or other legal evidence to the satisfaction of any competent tribunal, he shall forfeit and pay the sum 10
of *five hundred pounds* currency, whereof one-half shall be paid to the party prosecuting for the same, and the other half to the Municipality of the County, Riding, City or Town, for the representation of which he shall have so offered himself, to form part of the funds of such Muni- 15
cipality, and if elected as such representative his election shall, upon production of the Record or judgment of conviction, be by the joint Legislative Assembly declared null and void.

Application of
penalty.