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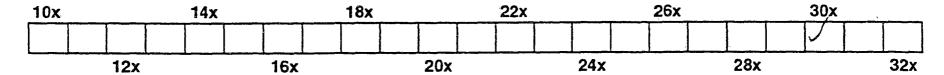
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1st Session, 4th Parliament, 16 Victoria, 1852

BILL.

An Act to remove certain doubts, as to the Law for the Trial of controverted Elections.

Received and read a first time, Monday, 4th October, 1852.

Second reading, Monday, 11th October, 1852.

(Corrected Edition.)

Mr. Laurin.

QUEBEC:

BILL.

An Act to remove certain doubts, as to the Law for the Trial of controverted Elections.

WHEREAS a petition has been presented to the Legislative Assem- Preamble. bly, complaining of an undue Election or Return of a Member for the County of Richelieu, to serve in Parliament; And whereas such netition is endorsed by a certificate under the hand of the Speaker of 5 the Legislative Assembly, to the effect that the recognizence required by an Act passed in the Session held in the 14th and 15th years of Her Majesty's Reign, intituled, " An Act to repeal several Acts of the Parlia-"ments of Upper and Lower Canada now in force for the Trial of contro-"verted Parliamentary Elections, in the two Sections of the Province respc-10 "tively, and to provide by one General Act for the Trial of Parliamentary "Election Petitions," had been entered into and received by him, with the proper affidavit thereunto annexed; And whereas objections have been made as to the validity of the recognizance so entered into as aforesaid; And whereas such objections relate to a mere discrepancy in the name 15 and signature of one of the sureties, in no degree attributable to the neglect or laches of the petitioners, or their agents; And whereas such recognizance has been held invalid, and the ends of justice have thereby been defeated, and the petitioners deprived of all remedy; And whereas reasonable doubts exist as to the validity of such recognizance, and such doubts 20 ought to be removed; And whereas justice and equity require that relief should be afforded to the petitioners, and that a mode of proceeding should be prescribed with respect to the determination of the before mentioned petition: Be it therefore enacted, &c.,

That the recognizance and affidavit of sufficiency entered into on behalf Recognizance 25 of the petitioners against the election and return of the sitting and affidavit in the case of Member for the County of Richelieu, shall be amended, by making the the petition same conformable to the requirements of the above recited Act; and concerning the such amendment shall be made by executing at full length a new in-strument containing the alterations, substitutions or additions necessay Richelieu 30 to make such recognizance and affidavit of sufficiency, conformable to may be the above recited Act; or it shall be lawful for the said petitioners to amended and how. enter into a new recognizance, with sufficient sureties as required by the said recited Act, or to pay in the hands of the Clerk of the Legislative Assembly the sum of two hundred pounds, currency, in lieu of such 40 recognizance.

II. And be it enacted, That such amendment of recognizance and affidavit of sufficiency, new recognizance and affidavit of sufficiency, or endment shall payment of money as aforesaid, shall be made and executed in the man-be made, and ner prescribed by the above recited Act, within ten days from the passing proceedings of this Act, and shall be made and deposited in the hands of the Clerk of the thereupon.

Legislative Assembly, whether during the Session or out of the Session of this Parliament, and shall be subject to the same objections, to be made in the manner prescribed by the above recited Act, within ten days after the fyling of such amendment or new recognizance and affidavit of sufficiency or payment of money, if the Parliament be then sitting 5 and continue to sit for ten days after the fyling thereof, or within the first ten days of the next following Session of Parliament, if fyled or made in vacation or within the ten days next preceding the prorogation of Parliament, and to be tried and determined in the manner provided by the said Act and under the provisions thereof; And when such amendment 10 or new recognizance or payment of monies shall have been, by the said Speaker, reported to have been entered into, or to have been made. and to be unobjectionable, the said Election Petition shall be referred to the then General Committee of Elections, in which case it shall be proceeded upon the said petition and to try the merits of the said return 15 or election as aforesaid, according to the provisions of the above recited

Provisions effect of the amended recognizance or payment of money.

111. And be it enacted, That all and every recognizance which shall for the legal be amended as aforesaid shall, after such amendment, have and shall be held and taken in all Courts to have had from the time when the 20 same were or was entered into, the same force or effect for all intents and purposes whatsoever, as if the same, when entered into, had been in the words and figures in which the same shall be when so amended as aforesaid; and any new recognizance or recognizances which shall be entered into under the authority of this Act, shall have, and shall be taken 25 to have had, from before the receiving of the petition to which the same shall relate, the same force and effects to all intents and purposes, as if the same had been duly entered into under the said recited Act before the receiving of such petition, and as if the Speaker had reported to the House that the recognizance or recognizances were unobjectionable, that so the payment of the sum of two hundred pounds, currency shall have and shall be held to have the same effect as if made before the receiving of the said petition; and the decision of the Speaker, that any recognizance or recognizances, or that any amendeded recognizance recognizances or payments of money is or are good and regular, shall be final and con-clusive against all parties, and the validity of any such recognizance or recognizances shall not be called in question in any Court upon any ground or pretence whatever.

The said Act and this Act

IV. And be it enacted, That the said recited Act and this Act shall to be read as be read and constructed together as one Act.