

No. 265.

3rd Session, 4th Parliament, 20 Victoria, 1857.

H.

BILL.

An Act to explain and amend the Act intitled, "An Act to change the Constitution of the Legislative Council by rendering the same Elective," and for other purposes.

Received and read first time, Monday, 9th March, 1857.

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HON. MR. PRINCE.

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BILL.

**An Act to explain and amend the Act intituled "An Act
"to change the Constitution of the Legislative Coun-
"cil by rendering the same Elective," and for other
purposes.**

WHEREAS doubts have arisen as to whether it is lawful for any Preamble.
person being a member of the Legislative Assembly to become a
Candidate for election as a member of the Legislative Council under the
provisions of the Act in that behalf passed in the Session held in the nine-
5 teenth and twentieth years of Her Majesty's reign, chapter one hundred
and forty, or for any person being a member of the Legislative Council
to become a *Candidate* for election as a member of the Legislative As-
sembly, and it is expedient to remove such doubts; and whereas it is
also expedient to amend the said Act in other respects; therefore Her
10 Majesty, by and with the advice and consent of the Legislative Council
and Assembly of Canada declares and enacts as follows:—

I. It is contrary to the true intent and meaning of the sixth section of Sixth Section of
Act 19 and 20, Vict.
c., 140 explained.
the Act cited in the preamble of this Act for any person being at the
date of any writ for the election of a member of the Legislative Council
15 a member of the Legislative Assembly, or being at the date of any writ
for the election of a member of the Legislative Assembly a member of
the Legislative Council to be, or to be deemed, a *Candidate* for election
or to be elected under such writ, unless he shall have lawfully resigned
and vacated his seat in the said Legislative Council or Legislative Assem-
20 bly, or otherwise ceased to be a member thereof, before the nomination
day or day fixed by the Returning Officer for opening the Election under
such Writ.

II. Any member of the Legislative Council wishing to resign and Mode of vacating
seat in the Coun-
cil in order to be-
come Candidate
for Election to
the Assembly.
vacate his seat as such for the purpose of being elected a member of the
25 Legislative Assembly may do so (but not until after the expiration of the
first fifteen days of the Session of Parliament next after his election, or
the termination of the said Session if of less than fifteen days' duration, if
he be an Elective Member) by addressing to the Speaker of the Legisla-
tive Council, or if there be then no Speaker, or if the Speaker be then
30 absent from the Province, or if the member so wishing to resign his seat
be himself the Speaker, to any two members of the Legislative Council
a declaration to that effect, made under his hand and seal before two
witnesses, and delivering the same to the Returning Officer in possession
of the writ under which he wishes to be so elected.

Mode of vacat-
ing seat in the
Assembly in or-
der to become
Candidate for
Election to the
Council.

III. Any member of the Legislative Assembly wishing to resign and vacate his seat as such for the purpose of being elected a member of the Legislative Council may do so, after the expiration of the first fifteen days of the Session of Parliament next after his election, or the termination of the said Session if of less than fifteen days' duration, by address- 5
ing to the Speaker of the Legislative Assembly, or if there be then no Speaker, or if the Speaker be then absent from this Province, or if the member so wishing to resign his seat be himself the Speaker, to any two members of the Legislative Assembly, a declaration to that effect, made under his hand and seal before two witnesses, and delivering the same to 10
the Returning Officer in possession of the writ under which he wishes to be so elected.

Duty of Return-
ing Officer re-
ceiving such De-
claration.

IV. It shall be the duty of the Returning Officer to whom any such declaration as aforesaid is delivered forthwith to endorse thereon the day and hour of the receipt thereof by him, and to cause the same to be de- 15
livered to the Speaker or to the two Members to whom it is addressed, and to make special mention of his receipt and transmission of such declaration in his return to the Writ of Election, and to annex a copy thereof certified by him to such return, whatever may be the result of the Election. 20

When seat of
Member mak'g
such declaration
vacant.

V. The seat of any Member of the Legislative Council or Legislative Assembly so making, addressing and delivering any such declaration as aforesaid, under the provisions of this Act, shall become and be void upon from and after the day on which the same shall be so delivered to such Returning Officer as aforesaid. 25

Members of one
House not to can-
vass for the
own Elections to
the other House.

VI. It shall not be lawful for any person being a Member of the Legis-
lative Council, in or by any written or printed Address, or by any Verbal
Address to a Meeting of more than three persons, to offer or announce
himself as a Candidate for Election as a Member of the Legislative As- 30
sembly, nor for any person being a member of the Legislative As-
sembly, in or by any written or printed Address, or by any Verbal
Address to a Meeting of more than three persons, to offer or announce
himself as a Candidate for election as a Member of the Legislative Council;
and any Member of either House found guilty by the House to
which he belongs of having contravened the provisions of this section, shall 35
be expelled therefrom, and shall be forever thereafter incapable of being
elected a Member of either House.

Certain Officers
of Government
prohibited from
canvassing for
the Election of
Members of
either House.

VII. Any Sheriff, Deputy Sheriff, Registrar, Clerk of the Crown,
Crown Land Agent, or other paid officer of the Government of this
Province who shall directly or indirectly canvass for or against, or in any 40
manner or way, other than by his own vote if by law entitled and allowed
to vote, assist or oppose the election of any Candidate for the representa-
tion of any electoral Division in the Legislative Council or of any County,
Riding of a County, City or Town in the Legislative Assembly, shall be
guilty of a misdemeanor, and shall, on conviction thereof, in addition to 45
the usual punishment for a misdemeanor forfeit and lose his office and be
for ever incapable of holding any office of emolument in this Province.

VIII. The Members of the Legislative Council shall upon their first Speaker of Legislative Council to be Elected by the Members thereof. Assembling after the next General Election of members to serve in the Legislative Assembly of this Province, or after the occurrence of a vacancy in the office of Speaker of the said Legislative Council, whichever may **5** first happen, and thereafter upon their first assembling after the occurrence of any vacancy in the said office, forthwith proceed to elect one of their number to be Speaker; and the Speaker so from time to time elected shall preside at all meetings of the said Legislative Council until his death or resignation or removal by a vote of the said Legislative Council, or his **10** ceasing to be a member of the same, or until the expiration of four years from his election as such Speaker, whichever may first happen; and such Speaker shall in no case vote unless while presiding there shall be an equality of voices of the other members present.

IX. The twenty-second, twenty-sixth and twenty-seventh sections of the Sections 22, 26 and 27 of 19 and 20, Vict. c. 140 repealed. **15** Act cited in the Preamble of this Act are hereby repealed.