

The Provincial Statutes of Lower-Canada, Being the first session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1825.

5 George IV – Chapter 32

An Act to continue for a further limited time and amend certain Acts therein mentioned, relating to the trial of controverted Elections of Members to serve in the Assembly of this Province. {22d. March, 1825.)

Whereas it is expedient further to continue for a limited time and amend certain Acts herein-after mentioned, that is to say, An Act passed in the forty-eighth year of His late Majesty's Reign, intituled "An Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly of Lower-Canada," And also an Act passed in the fifty eighth year of His late Majesty's Reign, intituled, "An Act to facilitate the trial of controverted Elections or returns of Members to serve in the House of Assembly;" the duration of which, is limited to the first day of May, one thousand eight hundred and twenty five: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the said Act passed in the forty-eighth year of His late Majesty's Reign, intituled, "An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly of Lower-Canada," and the said Act passed in the fifty-eighth year of His late Majesty's Reign, intituled, "An Act to facilitate the trial of controverted Elections, or Returns of Members to serve in the House of Assembly," and all and every the clauses, provisions, powers, authorities, directions and regulations in the said Acts, in so far as the same is not derogated from by this Act, respectively contained, shall further be and remain in full force and effect until the first day of May, one thousand eight hundred and twenty-nine, and no longer.

II. And whereas it is necessary to remove all doubts concerning the recognizance by Law required of persons petitioning against any Election of a Member or Members to serve in the Assembly, and to increase the amount for which recognizance shall, in such case, be required; Be it therefore declared and further enacted by the authority aforesaid, that the security or recognizance required by the second clause or section of an Act passed in the forty-eighth year of the Reign of His late Majesty, intituled, " An Act to, regulate the trial of controverted Elections, or Returns of Members to serve in the House of Assembly in Lower-Canada," shall be required of and given whether the person or persons petitioning against the Election have been a Candidate or Candidates or not, that is to say a recognizance for the sum of one hundred pounds, current money of this Province, shall, for the ends and purposes, specified in the said Act, and to answer and pay all costs that may be awarded by the House of Assembly against the Petitioners, be required, and taken from two persons being Freeholders, each for the sum of fifty pounds, currency, and which recognizance shall be in the form

prescribed in the Schedule hereunto annexed, and shall be given before the petition complaining of the Election, is presented.

III. Provided always, and be it further enacted by the authority aforesaid; that every surety who shall have paid any sum of money, in execution of such, recognizance, shall be entitled to obtain the reimbursement of the said sum, as well by his Co-Obligee as by the other Petitioners, minus the share and portion of the said surety as one of the Petitioners, in case such surety shall be one of the said Petitioners.

SCHEDULE

Form of a recognizance to be entered into before any Petition by any person or persons against an Election, or Return of a Writ of Election can be proceeded upon.

Be it remembered that on the _____ day of _____ in the year of our Lord _____ before me, A. B. (Speaker of the House of Assembly,) came C. D. of _____ and E. F. of _____ who severally acknowledged themselves to owe the following sums, that is to say: the said C. D. the sum of fifty pounds, currency, and the said E. F. the sum of fifty pounds, currency, to be levied on their respective goods and chattels, lands and tenements, to the use of our Lord the King, His Heirs and Successors, or to whomsoever it shall appertain, in consequence of a Petition to the House of Assembly against the regularity of a certain Election, held in the _____ for a Representative to serve in the said Assembly, (or against the Return, as the case may be,) in case the conditions hereunder-mentioned shall not be complied with.

The condition of this recognizance is, that if the persons so petitioning shall duly appear before the said House of Assembly, at such time or times as shall be fixed by the said House of Assembly, for taking into consideration their Petition, complaining of (here specify the complaint, whether for an undue Election or an undue Return, or for want of a Return, that no Return has been made upon an Election concluded,) for the County, Town or Borough of and shall appear before the said House, for trial of the said Petition, and if necessary at every subsequent Session of the present Assembly, and follow up the same until a final determination thereupon, or until the same shall have been withdrawn by permission of the said House of Assembly, and shall also pay such costs as the said House of Assembly shall resolve and adjudge to be paid to any person or persons aggrieved by the said Petition, then this recognizance to be Void, otherwise to be and remain in full force and effect.

C. D.

E. F.

Taken and acknowledged before me, in pursuance of an Act passed in the year of His Majesty George the Fourth, Chapter _____.