

C A P. LXI.

An Act to amend and further to continue, for a limited time, an Act passed in the fifth year of His Majesty's Reign, intituled "An Act to continue, for a 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.

(14th March, 1829.)

Preamble,

WHEREAS it is expedient still further to continue for a limited time and amend an Act passed in the fifth year of His Majesty's Reign, intituled, "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" the duration whereof is limited to the first day of May one thousand eight hundred and twenty-nine: 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 fifth year of His Majesty's Reign intituled, "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," and all matters and things therein contained, shall further continue and be in force until the first day of May one thousand eight hundred and thirty-four and no longer.

Act 5, Geo. 4, Cap. 32, continued and amended.

The qualification of the ten Electors signing a Petition against the return of any Member to serve in Assembly according to the provisions of 48, Geo. 3, cap. 21, to be ascertained by the oath of such Electors

II. And be it further enacted by the authority aforesaid, that the due qualification of the Ten Electors signing a Petition in which complaint shall be made of the undue Election or return of any Member to serve in the Assembly of this Province, under the provisions of an Act of the Provincial Legislature passed in the forty-eighth year of the Reign of His late Majesty King George the Third, Chapter Twenty-one, intituled "An Act to regulate the Trial of Controverted Elections or Returns of Members to serve in the House of Assembly of Lower Canada," shall be ascertained by the Oath of such Electors before one Justice of the Peace (which Oath such Justice of the Peace is hereby and

before one Justice of the Peace under the same penalties in the case of perjury as the oath required by the 16 h section of the Act 5. Geo. 4. cap. 33: the certificate to be affixed to the petition before it is received by the Assembly.

and empowered to administer) in the same form and under the same penalties in case of perjury as the Oath of qualification required from Electors previously to their voting as such at any Election by the sixteenth section of an Act of the Provincial Legislature, passed in the fifth year of His Majesty's Reign, intituled, "An Act to repeal certain Acts therein-mentioned, and to consolidate the laws relating to the election of Members to serve in the Assembly of this Province and to the duty of Returning Officers, and for other purposes," and that a certificate thereof, under the hand and seal of the Justice of the Peace by whom such oath shall have been administered, shall be affixed to every such petition before it is received by the Assembly of this Province.

Security to be given before the Speaker of the House of Assembly or before any Justice of the Court of King's Bench or Provincial Judge of the district.

III. And whereas doubts have arisen as to the persons before whom the said security may be given; be it therefore declared and enacted by the authority aforesaid, that the said security may be given before the Speaker of the House of Assembly of this Province, or before any Justice of the Court of King's Bench or Provincial Judge of the District, any law, custom or usage to the contrary notwithstanding.

Persons offering themselves as Sureties for the costs, before accepted, to justify their sufficiency before a Judge of the Court of King's Bench or Provincial Judge, certificate to be affixed to the petition before it is received by the Assembly.

IV. And be it further enacted by the authority aforesaid, that the persons offering themselves as sureties for the costs that may be awarded by the House of Assembly in any case of controverted election, under the provisions of the Act first above mentioned, and hereby further continued, shall, before they are accepted as such, justify their sufficiency before any judge of the Court of King's Bench or Provincial Judge of any District of this Province and that a Certificate thereof under the Hand and Seal of the Justice or Provincial Judge before whom it shall have been made, shall be affixed to the petition to which the same may have reference before such petition shall be received by the Assembly of this Province.