

The Statutes of His Majesty's Province of Upper-Canada, Passed in the second session of the seventh provincial parliament of Upper-Canada (1818). York: R. C. Horne, 1818.

58 George III – Chapter 9 (Session 2)

An Act to repeal an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled, "An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly, and also to repeal an Act passed in the Fifty-fourth Year of His Majesty's Reign, Entitled an Act in repeal and amend part of an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly" and to make further and more effectual provision for securing the Freedom and Constitution of the Parliament of this Province. Passed 1st April, 1818.

Whereas it is most desirable that the Eligibility of Persons to be proposed as Candidates for the representation of the several Towns, Ridings and Counties of this Province, in the Commons House of Assembly, should be clearly and expressly defined. And whereas the provisions of an Act passed in the Thirty-fifth Year of His present Majesty's Reign, entitled "An Act to ascertain the Eligibility of Persons, to be returned to the House of Assembly, and also of an Act passed in the Fifty-fourth Year of His Majesty's Reign, entitled "An Act to repeal and amend part of an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled 'An Act to ascertain the Eligibility of Persons to be returned to the Home of Assembly.'" have not attained that object; 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 Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "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 by the authority of the same, That from and after the passing of this Act, each of the said Acts, respectively shall be and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no Person or Persons of what condition soever, having been a Bona Fide Resident in any Country, not being under His Majesty's Government; or who shall have taken the Oath of Allegiance to any other State or Power, shall be eligible to be proposed, chosen or Elected, as a Representative or Representatives of any City, County, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, until such Person or Persons shall have resided in this Province for and during the space of Seven Years next before the Election at which any such Person or Persons shall be proposed, elected or chosen as a Representative or Representatives as aforesaid.

III. And be it further enacted by the authority aforesaid, That is any Person or Persons as aforesaid, not having resided in this Province for Seven Years as aforesaid, shall propose or offer himself or themselves as a Candidate, or Candidates to become Representative or Representatives of any County, City, Riding or Borough, or other place now or hereafter sending a Representative or Representatives, and shall be thereof convicted by the Oath of any one credible Witness, shall forfeit and pay the Sum of Two Hundred Pounds, to be recovered by any person who shall sue for the same, in His Majesty's Court of His Bench in this Province, by action of Debt, Bill, Plaint or Information, wherein no Essoine, Privilege, Protection or Wager of Law shall be allowed, and only one Imparlance.

IV. And be it further enacted by the authority aforesaid, That if any Person or Persons as aforesaid not having resided in this Province for Seven Years as aforesaid, whether such Person or Persons shall have proposed or offered him or themselves as a Candidate or Candidates or not for any County, City, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province as aforesaid, shall presume upon such choice or Election to obtrude or present himself or themselves into the said House as a Representative or Representatives as aforesaid, he or they shall forfeit and pay the sum of Forty Pounds over and besides the foregoing Penalty, if such Person or Persons shall have incurred the same, for every Day, that he shall so obtrude or present himself or themselves, to be recovered by any Person or Persons who shall sue for the same in His Majesty's Court of His Bench, by Action of Debt, Bill, Plaint or Information, wherein no Essoine, Privilege, Protection or Wager of Law shall be allowed, and only one Imparlance.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no Person or Persons of what condition soever, shall be Eligible to be proposed, chosen or Elected as a Representative or Representatives of any County, City, Riding, Borough or other place of any Description, now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, unless he shall be possessed of an unincumbered Freehold in Lands or Tenements in Fee Simple, in this Province to the Assessed Value of Eighty Pounds, Lawful Money, of this Province.

VI. Provided always and be it hereby enacted by the authority aforesaid, That every Person, who, from and after the passing of this Act, shall appear as a Candidate, or shall by himself or any others be proposed to be Elected to serve as a Member for any County, City, Riding, Borough, or any part or place now or hereafter sending a Member to the House of Assembly, of this Province, shall and he is hereby enjoined and required upon reasonable request to him to be made, at the time of such Election, or before the Day prefixed in the Writ of Summons for the meeting of Parliament, by any other Person who shall stand a Candidate at such Election, or by any two or more Persons having a right to vote at such Election, take a corporal Oath in the following form or to the following effect, "I, A. B. do swear that I truly and Bona Fide have such a Freehold Estate,

over and above all Incumbrances that may affect the same, and am otherwise qualified according to the provisions of Law, to be Elected and Returned to serve as a Member in the Commons House of Assembly, according to the Tenor and True Meaning of the Act of Parliament in that behalf, and that I have not obtained the same fraudulently for the purpose of enabling me to be returned a Member to the Commons House of Assembly of this Province, so help me God."

VII. And be it further enacted by the authority aforesaid, That if any of the said Candidates, or Persons proposed to be Elected as aforesaid, shall be guilty of False Swearing in such Oath, such Candidate or Candidates, or Person or Persons as aforesaid, shall on Conviction thereof, receive and suffer the like pains and penalties to which any other Person convicted of Wilful and Corrupt Perjury is liable by the Laws and Statutes of this Province.

VIII. And be it further enacted by the authority aforesaid, That the Oath aforesaid, shall and may be administered by the Sheriff for any such County as aforesaid, or by the Mayor, Bailiff, or other Officer or Officers for any County, City, Borough, Riding, Place or Places as aforesaid, to whom it shall appertain to take the Poll or make the Return at such Election for the same County, City, Borough, Riding, Place or Places respectively, or by any Two or more Justices of the Peace within this Province, and the said Sheriff, Mayor, Bailiff or other Officers, and the said Justices of the Peace respectively, who shall administer the said Oaths, are hereby required to Certify the taking thereof, unto His Majesty's Court of His Bench within three Months after the same, under the Penalty of forfeiting the Sum of Two Hundred Pounds, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint or Information in His Majesty's Court of His Bench in this Province, and if any of the said Candidates or Persons proposed to be Elected as aforesaid, shall wilfully refuse upon reasonable request to be made at the time of the Election; or at any time before the Day upon which such Parliament by the Writ of Summons is to meet, to take the Oath hereby required, then the Election and Return of such Candidate shall be void.

IX. And be it further enacted by the authority aforesaid, That no Fee or Reward shall be taken for administering any such Oath, or making, receiving, or filing the Certificate thereof, except Two Shillings and Six-pence for administering the Oath, and Five Shillings for making the Certificate, and Five Shillings for receiving and Filing the same, under the Penalty of One Hundred Pounds to be forfeited by the Offender, and recovered as aforesaid.

X. And be it further enacted by the authority aforesaid, That One Moiety of all Fines and Penalties that shall be incurred under this Act shall be immediately paid into the hands of the Receiver General for the use of His Majesty, His Heirs and Successors towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs

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and Successors shall please to direct, and the other Moiety to the person who shall sue for the same.