

Acts of the General Assembly of His Majesty's Province of Lower Canada passed in the year 1792. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1792.

33 George III – Chapter 7

An Act to provide Returning Officers for *Knights, Citizens and Burgesses* to serve in Assembly.

Whereas His Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons of Great-Britain in Parliament assembled, by an Act passed in the thirty-first year of His Majesty's Reign, hath been graciously pleased to constitute a Legislature in this Province, in which the people thereof His Majesty's loyal Subjects do participate by their Representatives in Assembly, and whereas by the aforesaid Act, power and authority is granted to the Governor, Lieutenant Governor or person administering the Government of this Province, to nominate and appoint proper persons to execute the office of Returning Officer in the several Districts, Counties, Circles, Towns and Townships in this Province for a certain time therein expressed, which power will expire on the twenty-sixth day of December in the year of our Lord one thousand seven hundred an ninety-three, and whereas it is expedient to make further Provision for the appointment of the said Officers. 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 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.*" That the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, shall have the same power and authority of appointing Returning Officers as by the said statute was granted to provide for the Returning Officers, to the present or first Assembly under the same statute, and that such power and authority granted, shall continue and be in force for and during the term of four years to commence from and after the twenty sixth day of December in the year of our Lord one thousand seven hundred and ninety-three and no longer.

II. And be it further enacted, by the same authority, that every person refusing to perform the duty of the Office of Returning Officer after his being nominated and appointed thereto in manner aforesaid, and his receipt of a Writ of election, shall forfeit the sum of twenty-five pounds of the current money of this Province. Provided always, that each person named and appointed Returning Officer be a resident and qualified as an Elector of the County, Town or Borough, for which he shall have been so named and appointed.

III. And be it also enacted, by the same authority, that every Returning Officer so nominated and appointed, shall not be obliged to execute the office of Returning Officer for any longer time than one year, or oftener than once. Provided always, that no Member of the Executive or Legislative Council, or House of Assembly, or of any Religious Order, or any Clergyman, Physician, Surgeon, Miller or Maître de Poste, shall be named or appointed a Returning Officer.

IV. And be it further enacted, by the Authority aforesaid, that nothing contained in this Act, shall extend or be construed to extend, to prevent or exclude any person nominated and appointed or who shall be nominated and appointed to execute the office of a Returning Officer, from being elected a Member of Assembly, if otherwise duly qualified to represent any County, City, Town or Borough, other than any County, City, Town or Borough, for which such person shall have been nominated and appointed Returning Officer. Provided always, that in case of any Returning Officer being thus elected a Member of Assembly, his nomination and appointment to the office of Returning Officer shall thenceforth cease and determine, unless such Returning Officer shall have been chosen a Member of Assembly at a general election in which case, he shall continue to execute and return the Writ or Writs to him directed for such general election only.

V. And be it enacted, by the same Authority, that any Returning Officer who shall be put to unavoidable expence in the execution of his office, may make application for re-imbusement of the same, through the Governor, Lieutenant Governor or Person administering the Government of the Province for time being.

VI. And be it also enacted, by the same Authority, that the penalty to be incurred in manner aforesaid, may be recovered by bill, plaint or information, or by action of debt, in any Court of Record by any person who will sue for the same, and that one half of such recovery, shall be paid to the Receiver General for the use of the Crown, to be applied for the public Uses of this Province, and for the Support of the Government thereof, and shall be accounted for to the Crown thro' the Commissioners of His Majesty's Treasury for the time being, as the Crown shall direct; and the other half thereof to the Informer, who shall have prosecuted for the same, together with the costs incurred by such prosecution to be by him received for his own use and benefit.