

The Provincial Statutes of Lower-Canada, Being the second session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1818.

58 George III – Chapter 5

An Act to facilitate the trial of controverted Elections, or returns of Members to serve in the House of Assembly. (1st April, 1818.)

Whereas by an Act passed in the forty-eighth year of His 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," it is enacted and provided, that in cases wherein it shall appear that the expense of bringing witnesses to the bar would be considerable, it shall and may be lawful to and for the House of Assembly to nominate three Commissioners for the purpose of examining the witnesses: And whereas it would materially tend to facilitate and expedite the public business, if it were enacted that it should be lawful to and for the House of Assembly, in all trials of controverted elections, or returns of Members to serve in the House of Assembly, to nominate and appoint three Commissioners or a special Committee for the purposes aforesaid; 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 from and after the passing of this Act, it shall and may be lawful for the House of Assembly, in all trials of controverted Elections, or returns of Members to serve in the House of Assembly of this Province, to nominate and appoint three Commissioners (one of whom shall be Chairman), for the purpose of examining the witnesses of the parties interested in such trial; which Commissioners shall proceed in the manner provided in and by the said first above-mentioned Act.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful in all cases of controverted Elections, to examine and take the testimony of all and every witness or witnesses which shall or may be produced by the parties before any special Committee of the House of Assembly, which may be by the said House of Assembly appointed for that purpose; and the Chairman of such Committee shall be, and he is hereby authorized and empowered to administer to the said witness the oaths required by the said first-mentioned Act; and the Member of the said Committee, and the person acting as Clerk to the said Committee; shall before examining such witness, and taking their testimony, take the oaths require to be made and taken by the eighth clause of the said Act first herein-before mentioned; and it shall be the duty of such Committee to report with all convenient speed to the said House of Assembly, the testimony which they shall have taken touching and concerning the affair in question.

III. And be it further enacted by the authority aforesaid, that any person who shall be guilty of willful and corrupt perjury in every evidence which he shall give before the Commissioners appointed in

virtue of this Act, or before any special Committee appointed in virtue of the same, in consequence of any oath which he should have taken in virtue of this Act, shall on conviction thereof, incur and suffer the like pains and penalties to which any person convicted of willful and corrupt perjury, is liable by law.

IV. And be it further enacted by the authority aforesaid, that this Act shall continue to be and remain in force until the first day of May, which will be in the year of our Lord one thousand eight hundred and twenty, and no longer.