

STATUTES

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT :

MET AT TORONTO, ON THE EIGHTH DAY OF NOVEMBER, 1836, AND PROROGUED ON THE
FOURTH DAY OF MARCH, 1837, IN THE SEVENTH YEAR OF THE REIGN OF
WILLIAM IV.

(BEING RESERVED ACTS, TO WHICH THE ROYAL ASSENT WAS SUBSEQUENTLY PROMULGATED.)

SIR FRANCIS BOND HEAD, K.C.H.

LIEUTENANT GOVERNOR.

ANNO DOMINO 1837.

CHAP. CXIV.

*AN ACT better to secure the independence of the Commons House of
Assembly of this Province, and for other purposes therein-mentioned.*

[Royal Assent promulgated by Proclamation, 20th April, 1838.]

WHEREAS it is expedient that the seats of Members of the House of Assembly should be declared to be vacated in certain cases: *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

Preamble.

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 if any Member of the House of Assembly now or hereafter to be elected, shall at any time hereafter accept or take any or either of the following Offices under His Majesty's Government of this Province, viz:—Judge of the Court of King's Bench; Judge of the District Court, or of any Court of Record hereafter to be established; the Receiver General; Surveyor General; Inspector General; Member of the Executive Council; Collector of the Customs; Attorney or Solicitor General, or Sheriff, his seat in the said House of Assembly shall be and is hereby declared to be thereby vacated, and thereupon it shall be lawful for the Speaker to issue his warrant in the usual form for the Election of a new Member, in the room of the Member whose seat shall be so vacated: *Provided always nevertheless*, that any such appointment as aforesaid shall be no bar or obstruction to the re-election into the House of Assembly of the person so accepting or holding the same.

Persons who at the time of passing this Act are Members of the House of Assembly, or who shall hereafter be elected, on being appointed to the following offices: Judge of Court of King's Bench; Judge District Court, or any Court of Record hereafter to be established; Receiver General; Surveyor General; Inspector General; Member of the Executive Council; Collector of Customs; Attorney or Solicitor General; or Sheriff, to vacate his seat, and Speaker to issue his warrant for new election. Members may be re-elected.

Judge of the Court of King's Bench not eligible to be elected.

II. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to authorise the Election of any Judge of the Court of King's Bench as a Member of the Assembly of this Province.

Member removing permanently from the Province, to vacate his seat.

Speaker to order a writ for election of another.

No writ to issue for a new election to fill any vacancy, until House satisfied of necessity, by petition of the Freeholders, or communication by the Member vacating, to the Speaker.

III. *And be it further enacted by the authority aforesaid*, That any Member duly elected to represent any town, county or place, in this Province, who shall, after such election, remove from the Province, and make some other Country his permanent residence, whereby the constituency whom he was elected to represent may be unrepresented, the seat of every Member so removing shall be declared vacant, and the Speaker shall order a writ to issue for the election of another person to serve in the room and place of the Member so vacating his seat: *Provided always*, that no writ shall issue for a new election to fill any vacancy so occurring, until the House of Assembly shall be satisfied of its necessity, either by petition of the Freeholders of the county, town or place, to which it relates, praying that a writ may issue, or by the Member about to vacate his seat according to the provisions of this Act, stating that fact to the House of Assembly, by a communication to the Speaker.