

The Provincial Statutes of Canada, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 4

An Act to enable Members of the Legislative Assembly for places within that part of the Province formerly constituting the Province of Upper Canada, to vacate their seats in certain cases and for other purposes. 17th August, 1841.

Whereas, it is expedient that the Members of the Legislative Assembly representing that part of the Province of Canada heretofore known as the Province of Upper Canada, should be enabled to vacate their seats in certain cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, in the Session held in the third and fourth years of Her Majesty's Reign, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall be lawful for any Member of the House of Assembly from that part of the Province of Canada heretofore known as the Province of Upper Canada, legally elected, or who shall hereafter be so, who shall wish to abstain from the performance of the duties imposed on him by his election as representative for any City, County, Riding, Town or Borough, in that part of this Province hereinbefore described, or for any City, County, Riding, Town or Borough, which may hereafter be legally erected or established therein, and authorised to send a Member or Members to Parliament, to vacate his seat in the manner hereinafter provided.

II. And be it enacted, that such Member in his place in the Legislative Assembly, may give notice of his intention of resigning his seat, and immediately after such notice shall have been entered by the Clerk of the said Legislative Assembly in the Journal, it shall be lawful for the Speaker, and he is hereby required to issue his Warrant in the usual form for the election of a new Member in the room of the Member who shall have so resigned: Provided always, that the Member so tendering his resignation, shall be and be held and considered as being to all intents and purposes the Representative for the place for which he was elected, until the return of the election of such new Member to serve in his room, shall have been duly made.

III. And be it enacted, that if any Member shall wish so to resign in the interval between two Sessions of the Provincial Parliament, it shall be lawful for him so to do by addressing and causing to be delivered to the Speaker, a declaration to that effect made under his hand and seal before two witnesses, an entry of which declaration shall be made in the Journal of the proceedings on the first day of the Session of the Provincial Parliament then next ensuing; and that it shall be lawful for the Speaker upon receiving such declaration, forthwith to issue his warrant for the election of a Member in the room of the Member so tendering his resignation.

IV. And be it enacted, that no Member shall ask for leave to vacate his seat in the first Session of any Parliament before the expiration of the first fifteen days of the said Session, and that no Member whose election shall be contested shall so vacate his seat until after such contest shall have been decided.